



PROVINCE OF ONTARIO

The Department of Education Act

The Public Schools Act

The Schools Administration Act

The Secondary Schools and
Boards of Education Act

The Separate Schools Act

1967

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R. MCNEIL
PERSONNEL.



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ONTARIO

The Department of Education Act

Revised Statutes of Ontario, 1960

CHAPTER 94

as amended by

1961-62, Chapter 31; 1962-63, Chapter 32;
1964, Chapter 20; 1965, Chapter 28;
1966, Chapter 40; and 1967, Chapter 20

1967

TORONTO

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PARTIAL LIST

of the Acts pertaining to the

ADMINISTRATION OF EDUCATION IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Department of Education Act

Revised Statutes of Ontario, 1960

CHAPTER 94

as amended by

1961-62, Chapter 31; 1962-63, Chapter 32;
1964, Chapter 20; 1965, Chapter 28;
1966, Chapter 40; and 1967, Chapter 20

1. In this Act,

Interpre-
tation

- (a) "board" means public school board, separate school board, continuation school board, high school board or board of education;
- (b) "Department" means the Department of Education;
- (c) "Minister" means the Minister of Education;
- (ca) "private school" means a school at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any day other than a school holiday for five or more pupils of compulsory school age, whether or not instruction is also provided for pupils of other ages, in any of the subjects of the elementary or secondary school courses of study, except a school operated by the Government of Ontario or by an elementary or secondary school board or a board of education;
- (d) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 94, s. 1; 1961-62, c. 31, s. 1.

2.—(1) The department of the public service known as the Department continued
Department of Education is continued.

(2) The Minister shall preside over and have charge of the ^{Minister to have charge} Department. R.S.O. 1960, c. 94, s. 2.

3. The Minister is responsible for the administration of this ^{Administra-} Act and the regulations and of such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant Governor in Council. R.S.O. 1960, c. 94, s. 3.

4.—(1) The Minister shall, after the close of the calendar ^{Annual report} year, file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling

(2) The Provincial Secretary shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 94, s. 4.

Credits
for attend-
ance in
special cases

5. For the purpose of calculating legislative grants, the Minister may add to the actual aggregate attendance of a school the number of days attendance lost by pupils,

(a) who left school to enlist in Her Majesty's Forces or to become employed in the production of food or other essential war materials, and whose absence from school was in accordance with the regulations; or

(b) who were absent from school on days regarded as holy days by the church or religious denomination to which they belong; or

(c) who were absent from school because of,

(i) a failure of transportation arrangements caused by inclement weather, or

(ii) the closing of one or more classrooms caused by inclement weather, fire, flood or the breakdown of the school heating plant, or a similar emergency,

which, in the opinion of the Minister, was unavoidable; or

(d) who were absent from school when their regular classroom work was discontinued because of the holding of examinations that they were not required to write; or

(e) who, under the terms of an arrangement approved by the Minister, were absent from a secondary school because of their early enrolment at a university or polytechnical institute in Ontario. R.S.O. 1960, c. 94, s. 5; 1964, c. 20, s. 1; 1966, c. 40, s. 1.

Closing
of school
or class

6.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may order the closing of a school or any class thereof for a specified period.

Calculation
of grants

(2) Where a school or class is closed for a specified period under subsection 1, the school or class shall, for the purpose of calculating legislative grants, the cost of education of county pupils, and the fees, if any, of other pupils, be deemed to have been open during the period with a perfect aggregate daily attendance. R.S.O. 1960, c. 94, s. 6.

7. REPEALED: 1962-63, c. 32, s. 1.

8.—(1) The Lieutenant Governor in Council may authorize ^{Guarantee of debentures} the Treasurer of Ontario to guarantee payment by the Province of any debentures issued by an elementary school board in Ontario or by a municipality in a territorial district for any school purpose for which the board or municipality is authorized to issue debentures.

(2) The form of the guarantee and the manner of its ^{Form of guarantee} execution shall be determined by the Lieutenant Governor in Council, and every guarantee given or purporting to be given under this section is binding upon the Province and is not open to question upon any ground whatsoever.

(3) Any debenture issued by a school board or municipality, ^{Validity of payment of which is guaranteed by the Province under this section,} is valid and binding upon the school board or municipality by which it is issued and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed is not open to question upon any ground whatsoever. R.S.O. 1960, c. 94, s. 8.

9. Notwithstanding anything in any Act fixing the rate ^{Fixing rate of interest on debentures, etc., held by Treasurer} of interest to be paid or credited to any school board by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a school board, the rate at which interest shall be allowed to, paid by or credited to a school board upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. R.S.O. 1960, c. 94, s. 9.

10.—(1) The Minister shall define the courses of study ^{Courses of study, reference books, etc.} in the prescribed subjects of Grade 13. R.S.O. 1960, c. 94, ^{s. 10 (1).}

(2) The Minister may,

Idem

(a) recommend for the guidance of boards and teachers ^{kinder-} ^{garten course} the programme in kindergarten;

(b) define the courses of study, recommend courses of ^{Grades 1-12} ^{courses} study for the guidance of boards and teachers, or permit boards and teachers to define courses of study to be used with the Minister's approval, in the prescribed subjects for Grades 1 to 12 inclusive;

courses for
teachers'
colleges,
Institutes

- (c) define courses of study and subjects to be taught in teachers' colleges and provincial technical and polytechnical institutes;

text and
reference
books

- (d) recommend reference books and library books for use by teachers and teachers-in-training;

idem

- (e) approve text-books for use in teachers' colleges and provincial technical and polytechnical institutes;

school
terms

- (f) determine the number of terms and the dates upon which each term begins and ends in respect of teachers' colleges, provincial technical and polytechnical institutes, and schools for the deaf and blind. R.S.O. 1960, c. 94, s. 10(2); 1966, c. 40, s. 2.

Application
R.S.O. 1960,
c. 349

- (3) An act of the Minister under this section is not a regulation within the meaning of *The Regulations Act*. R.S.O. 1960, c. 94, s. 10 (3).

Powers of
Minister:

11.—(1) The Minister may,

cost of
teachers in
training

- (a) pay out of any appropriation for teachers' colleges or for summer and winter courses for the training and instruction of teachers the travelling and other expenses and such per diem allowance as he may fix for living expenses of students attending such schools whenever he deems such payment necessary or desirable;

accept
equivalent
qualification

- (b) accept in lieu of any requirement prescribed for a teacher, head of a department, director, supervisor, supervisory officer or inspector, or for a candidate for a certificate or for admission to a school, such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto;

temporary
certificate

- (c) grant a temporary or interim certificate of qualification as a teacher to a person who, although not a British subject, is otherwise qualified and,

- (i) has applied to become a British subject and whose application is pending, or

- (ii) has filed a declaration of intention to become a Canadian citizen in accordance with the *Canadian Citizenship Act*;

R.S.C. 1952,
c. 33

- (d) grant a letter of permission to a board authorizing ~~letter of permission~~
the board to employ an unqualified person as a teacher if the Minister is satisfied that no qualified person is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister specifies therein;
- (e) suspend or cancel any certificate or diploma granted ^{suspend or cancel} under this Act or the regulations;
- (f) appoint as a commission one or more persons, as he ^{commission} of inquiry may deem expedient, to inquire into and report upon any school matter, and may confer upon such commission all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*; ^{R.S.O. 1960, c. 323}
- (g) submit a case on any question arising under *The Schools Administration Act*, *The Public Schools Act*, R.S.O. 1960, ^{secure legal opinion} cc. 361, 330; *The Separate Schools Act*, *The Secondary Schools and Boards of Education Act*, or this Act to a judge of the Supreme Court for his opinion and decision or, by leave of a judge of the Supreme Court, to the Court of Appeal for its opinion and decision;
- (h) determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and all appeals made to him from a decision of a principal, inspector or other school officer; ^{determine disputes and complaints}
- (i) apportion and pay all sums received for educational purposes from the Government of Canada or any source other than an appropriation by the Legislature, in accordance with the terms of the grant, if any, and otherwise in any manner he may deem fit; ^{apportion federal grants}
- (j) require employees of school boards to submit to medical examinations; ^{medical examinations}
- (k) make use of any elementary or secondary school for the purposes of observation and practice teaching by teachers-in-training in any teachers' college or in the college of education established under section 16; ^{practice teaching}
- (l) provide for courses of training for inspectors. ^{inspectors, training}

Termination
of contract
where wel-
fare of
school
involved
R.S.O. 1960,
c. 361

(2) Notwithstanding Part III of *The Schools Administration Act* or any other Act and notwithstanding anything in the contract between the board and the teacher, where a permanent or probationary teacher is employed by a board and a matter arises that in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed,

- (a) the board or the teacher may, with the consent of the Minister, give the other party thirty days written notice of termination, and the contract is terminated at the expiration of thirty days from the date the notice is given; or
- (b) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which he would otherwise be entitled, and the contract thereupon is terminated. R.S.O. 1960, c. 94, s. 11.

Board to
select
teachers for
schools
operated
by armed
forces

11a.—(1) The Minister has and shall be deemed always to have had authority to establish a board to act as agent for the Crown in right of Canada represented by the Department of Labour to select and employ civilian instructors as required by the armed forces for duties in schools or training centres operated by the armed forces under procedures authorized by such Department of Labour.

Pensions
for civilian
instructors,
etc.

R.S.O. 1960,
c. 190

(2) The Minister may enter into an agreement with the Crown in right of Canada represented by the Minister of Labour to provide a pension plan for such civilian instructors and other employees of the board, and, where the Minister of Labour agrees to pay the employer's share under any such pension plan, may contract with an insurer under *The Insurance Act* to provide such a pension plan. 1964, c. 20, s. 2.

Regulations
R.S.O. 1960,
cc. 330, 368,
361, 362

12.—(1) Subject to the provisions of any statute in that behalf and to the approval of the Lieutenant Governor in Council, the Minister may make regulations with respect to schools or classes established under *The Public Schools Act*, *The Separate Schools Act*, *The Schools Administration Act*, *The Secondary Schools and Boards of Education Act*, or this Act, or any predecessor of any of such Acts, and with respect to all other schools supported in whole or in part by public money,

general

1. for the establishment, organization, administration and government thereof;

admit pupils

2. governing the admission of pupils;

3. governing the establishment, organization and administration of special education programmes and services;
4. requiring boards to purchase books for the use of pupils;
5. prescribing the accommodation and equipment of buildings and the arrangement of premises;
6. for the establishment and awarding of bursaries and types, classes and subclasses thereof, prescribing the terms and conditions thereof and the persons eligible therefor, for fixing the value or maximum value of any bursary or type, class or subclass thereof, and for authorizing the Minister to determine, subject to the maximum value, the amount to be awarded to an applicant where a maximum value has been prescribed;
7. for the establishment of the Provincial Student-Aid Loan Fund Student-Aid Loan Fund to be maintained by donations received for that purpose and by moneys appropriated by the Legislature for that purpose, for prescribing the terms and conditions of the loans and the persons eligible therefor, for defining the types, classes and subclasses of loans, for fixing the maximum loans and terms of repayment, for authorizing the Minister to determine the amount to be loaned to an applicant not exceeding the maximum provided in the regulations, and for providing the method of repayment of loans;
8. for the establishment and regulation of cadet corps cadet corps;
9. governing the granting of permanent, temporary, interim, special and other certificates of qualification; certificates
10. authorizing the Minister to designate a high school collegiate institute and to redesignate a collegiate institute as a high school, and prescribing the conditions under which he may do so;
11. prescribing the form of contract that shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher or an itinerant teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract;

**schools on
Crown lands**

12. governing the establishment and maintenance of public, high and vocational schools on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools;

**pupils on
Crown lands**

13. governing the attendance at elementary and secondary schools of pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and governing the payment of the cost of education of such pupils;

**transporta-
tion of
pupils on
Crown lands**

14. providing for assistance in the payment of the cost of education and transportation costs of elementary and secondary school pupils residing in the territorial districts or on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes;

**tuition fees
on Crown
lands**

15. fixing the method of calculating the cost of education of elementary and secondary school pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and authorizing boards,

- (i) to charge those pupils a fee in accordance with that method, or
- (ii) instead of charging those pupils a fee, to enter into an agreement with the Crown, Crown agency or other owner of the lands for the payment of an amount in lieu of the fee;

**examination
boards**

16. providing for the establishment of supervising examination boards and for the appointment by the Minister of the members thereof, prescribing the duties thereof and the remuneration, including allowances for travelling and other expenses, to be paid to the members thereof;

examinations

17. governing the establishment and conduct of examinations and the settling of the results thereof, and prescribing the fees to be paid by candidates thereat;

18. prescribing the fees to be paid to presiding officers ^{fees of examiners} and examiners in connection with examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid;
19. for granting diplomas and certificates of standing; ^{certificates}
20. prescribing the subjects that shall be taught, and the ^{subjects of study} subjects that may be taught, in Grades 1 to 13 inclusive;
21. prescribing subjects leading to diplomas and cer-^{subjects for diploma} tificates of standing;
22. providing for and governing the exchange of teachers ^{exchange teachers} between Ontario and other parts of Canada and between Ontario and other jurisdictions;
23. for the establishment and regulation of school ^{school} gardens gardens;
24. for the establishment and regulation of school ^{school} libraries libraries;
25. subject to the approval of the Minister of Health, ^{medical and dental inspection} for the medical and dental inspection of pupils in elementary schools where provision for such inspection was inaugurated by the boards of such schools before the 31st day of July, 1924, and in secondary schools where such provision was inaugurated by the boards of such schools before the 31st day of December, 1941;
26. respecting the use of schools for purposes of observa-^{practice teaching} tion and practice teaching by teachers-in-training;
27. prescribing the powers, duties and qualifications, ^{powers and duties of teachers, etc.} and governing the appointment of, teachers, super-
visors, supervisory officers, heads of departments, principals, inspectors, superintendents, bursars, matrons, directors, school attendance counsellors and other officials;
28. prescribing the duties of pupils; ^{pupils}
29. prescribing the qualifications and experience that ^{qualification to teach, attend school, write exams} will be recognized for the purpose of,
 - (i) qualifying persons to teach,

- (ii) admitting persons to schools, and
 - (iii) permitting persons to write examinations;
- retarded children**
- 30. providing for the payment of grants to Retarded Children's Education Authorities and to parents' groups that are affiliated with the Ontario Association for Retarded Children to assist in the payment of the cost of education of retarded children in schools operated by such Authorities, and governing the operation of such schools;
- attendance officers**
- 31. prescribing the powers and duties of boards and township councils with respect to the appointment and duties of school attendance officers, providing for the issuing of home permits and employment certificates, and providing for the giving of notices and the making of returns in connection with school attendance;
- forms**
- 32. prescribing forms and providing for their use;
- approve texts**
- 33. governing the selection and approval of text-books, library books and reference books for use in Grades 1 to 13 inclusive;
- transportation**
- 34. governing the transportation of pupils to and from elementary and secondary schools;
- idem**
- 35. providing for assistance in the payment of transportation costs of persons residing in the territorial districts who are attending universities or other institutions of higher learning;
- scholarships**
- 36. establishing scholarships for residents of Ontario to enable them to pursue courses of study outside Ontario, and prescribing the terms and conditions under which they may be awarded and the courses of study that may be pursued;
- miscellaneous**
- 37. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 94, s. 12 (1); 1964, c. 20, s. 3; 1966, c. 40, s. 3; 1967, c. 20, s. 1.

NOTE: *The amendment to paragraph 27 of subsection 1 above comes into force on the 1st day of January, 1968. See 1967, c. 20, s. 3 (2).*

**Student-Aid
Loan contracts**

(2) Every contract executed by a person under twenty-one years of age that provides for the repayment of a loan made to such person out of the Provincial Student-Aid Loan Fund is binding upon such person and enforceable against him

in the same manner and to the same extent as if he were over twenty-one years of age at the time he executed the contract.

(3) Subject to the provisions of any statute in that behalf ^{Regulations, grants}, and to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

- (a) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for educational purposes;
- (b) prescribing the conditions governing the payment of legislative grants;
- (c) prescribing definitions of "approved cost" and "cost of operating" for the purpose of legislative grants to boards, and requiring that "approved cost" be subject to the approval of the Minister.

(4) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations with respect to ^{Regulations, community programmes, etc.} adult education, recreation, camping and physical education,

- (a) providing for programmes therefor;
- (b) governing the granting of municipal recreation directors' interim and permanent certificates, and governing the renewal of municipal recreation directors' interim certificates;
- (c) authorizing,
 - (i) municipal councils to appoint recreation committees with the approval of the Minister, or authorizing two or more municipal councils of municipalities having a combined population of under 25,000 to appoint joint recreation committees with the approval of the Minister,
 - (ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,
 - (iii) joint recreation committees, or recreation committees in municipalities having a population of not less than 25,000, to appoint area recreation committees and area recreation directors, and

- (iv) two or more municipalities to enter into agreements,
- for the purpose of programmes of recreation;
- (d) prescribing the composition of recreation committees, joint recreation committees and area recreation committees, and fixing the number or maximum number of members thereof, for the purpose of programmes of recreation;
- (e) prescribing definitions of joint recreation programme, joint recreation committee, municipal recreation programme, municipal recreation services, municipal recreation director, assistant municipal recreation director, recreation programme, recreation committee;
- (f) prescribing a definition of "approved maintenance and operating costs" for the purpose of legislative grants for programmes of recreation, and requiring that "approved maintenance and operating costs" be subject to the approval of the Minister;
- (g) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for,
- (i) programmes of adult education, recreation, camping and physical education,
 - (ii) leadership training camps, and
 - (iii) the maintenance of historical, literary and scientific institutions;
- (h) prescribing the conditions governing the payment of grants for,
- (i) programmes of adult education,
 - (ii) programmes of recreation, camping or physical education, and providing for the approval of the Minister in any condition, or
 - (iii) the maintenance of historical, literary and scientific institutions;
- (i) authorizing the Minister to determine the number of assistants and area community programmes in respect of which grants may be paid for programmes of recreation;

(j) authorizing the payment, with the approval of the Minister, of special grants for programmes of recreation, and fixing the amounts thereof.

(5) In subsection 4, "physical education" includes recreation. Interpretation for crippled persons under the age of nineteen years. R.S.O. 1960, c. 94, s. 12 (2-5).

13.—(1) The Crown in right of Ontario, represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada represented by the Minister of Manpower and Immigration of Canada respecting technical and vocational training and represented by the Minister of National Health and Welfare of Canada respecting physical fitness. 1962-63, c. 32, s. 2; 1967, c. 20, s. 2 (1).

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the administration of the *Indian Act* (Canada), for the admission of pupils, other than Indians as defined in that Act, to schools for Indians operated under that Act. R.S.O. 1960, c. 94, s. 13 (2).

(3) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Manpower and Immigration of Canada, respecting the establishment, awarding and payment of bursaries and scholarships to students eligible therefor under the regulations. R.S.O. 1960, c. 94, s. 13 (3); 1967, c. 20, s. 2 (2).

14.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern schools for technical training in one or more branches of industry.

(2) For the purpose of subsection 1, the Minister may enter Agreements into an agreement with any organization representing one or more branches of industry.

(3) A school providing instruction in one branch of industry shall be known as a provincial technical institute and in more than one branch of industry as a provincial polytechnical institute.

(4) The Minister shall be assisted in the conduct of a provincial technical institute by an institute board and the institute board shall be assisted by an advisory committee.

polytechnical institutes (5) The Minister shall be assisted in the conduct of a provincial polytechnical institute by an institute board, and the institute board shall be assisted by an advisory committee for each branch of industry in which training is given at the institute.

Cost of establishment and maintenance (6) The cost of the establishment, maintenance and conduct of a provincial technical or polytechnical institute shall be payable out of moneys appropriated by the Legislature or received from Canada for the purposes of technical education, and out of moneys contributed by any organization that has entered into an agreement under subsection 2.

Regulations for institutes (7) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to such institutes,

- (a) providing for the composition of institute boards and advisory committees, and for the appointment by the Minister of the members thereof;
- (b) prescribing the duties and powers of institute boards and advisory committees;
- (c) respecting the holding of meetings of institute boards and advisory committees, the manner in which the meetings are to be called and conducted and the procedure thereat;
- (d) for the election or appointment of chairmen and secretaries of institute boards or advisory committees, and prescribing their duties;
- (e) for the establishment, with the approval of the Minister, of full-time day courses of study, special and part-time day courses of study, and evening courses of study;
- (f) requiring pupils to pay registration, tuition and laboratory fees and fixing the amount and manner of payment thereof;
- (g) classifying persons who may be admitted from outside Ontario and prescribing the fees payable by members of each class and the manner of payment thereof;
- (h) requiring pupils enrolled in a special or part-time day course of study or an evening course of study to pay tuition fees, and authorizing boards to fix the amount and manner of payment thereof.

(8) The board of a provincial technical or polytechnical institute may accept in lieu of any diploma or other requirement prescribed for admission to a course of study at the institute,

- (a) such evidence of academic standing or course of training as the principal and advisory committee deem equivalent thereto; or
- (b) evidence, satisfactory to the principal and advisory committee, that the applicant for admission is competent to undertake the course of study. R.S.O. 1960, c. 94, s. 14.

14a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern colleges of applied arts and technology that offer programmes of instruction in one or more fields of vocational, technological, general and recreational education and training in day or evening courses and for full-time or part-time students.

(2) The Minister shall be assisted in the planning, establishment and co-ordination of programmes of instruction and services for such colleges by a council to be known as the Ontario Council of Regents for Colleges of Applied Arts and Technology composed of such members as may be appointed by the Minister.

(3) There shall be a board of governors for each college of applied arts and technology, which shall be a corporation with such name as the Minister may designate and shall be composed of such members and have such powers and duties, in addition to those under *The Corporations Act* as varied by R.S.O. 1960, c. 71, the regulations, as may be provided by the regulations, and each board shall be assisted by an advisory committee for each branch of a programme of instruction offered in the college other than programmes of instruction referred to in subsection 5.

(4) For the purposes of subsection 1 and subject to the approval of the Minister, a board of governors may enter into an agreement with any organization representing one or more branches of industry or commerce or with any professional organization.

(5) Subject to the approval of the Minister, a board of governors of a college may enter into an agreement with a university for the establishment, maintenance and conduct

by the university in the college of programmes of instruction leading to degrees, certificates or diplomas awarded by the university.

Cost of establishment and maintenance

(6) The cost of the establishment, maintenance and conduct of a college shall be payable until the 31st day of March, 1966, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature and out of moneys received from Canada for the purposes of technical education or other programmes of instruction of the college, moneys contributed by organizations that have entered into agreements with the board of governors of the colleges, fees paid by students and moneys received from other sources.

Regulations

(7) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to colleges of applied arts and technology,

- (a) providing for the composition of the Ontario Council of Regents for Colleges of Applied Arts and Technology;
- (b) providing for the composition of the boards of governors on a suitably representative basis and of the advisory committees thereof and for the appointment of the members of such boards and committees;
- (c) prescribing the powers and duties of boards of governors and advisory committees, the manner of calling and conducting the meetings thereof and the procedure for the election or appointment of chairmen and officers;
- (d) prescribing the type, content and duration of programmes of instruction to be offered;
- (e) prescribing the requirements for admission to any programme of instruction, and prescribing the terms and conditions upon which students may remain in, or be discharged from, any programme of instruction;
- (f) for the granting of certificates and diplomas of standing following successful completion of any programme of instruction;
- (g) prescribing the qualifications and conditions of service of members of the teaching staffs of such colleges;

- (h) providing for the payment of travelling allowances or expenses to members of the Ontario Council of Regents for Colleges of Applied Arts and Technology, boards of governors and advisory committees, and of the officers and employees of such colleges;
 - (i) requiring students to pay registration, tuition and laboratory fees in respect of any programme of instruction, and fixing the amounts and manner of payment thereof;
 - (j) providing for the admission of persons from outside Ontario, and prescribing fees payable by such persons in respect of any programme of instruction and the manner of payment thereof;
 - (k) providing for the incorporation of schools established under section 14 with such colleges.
- (8) No regulation made under subsection 7 applies to a university or to programmes of instruction given by a university in such colleges. 1965, c. 28, s. 1.

15.—(1) The Ontario School for the Deaf for the education and instruction of the deaf and partially deaf is hereby continued under the administration of the Minister.

(2) The Ontario School for the Blind for the education and instruction of the blind and partially blind is hereby continued under the administration of the Minister.

(3) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, maintain and operate one or more additional schools for the deaf or schools for the blind and shall designate the name of each school.

(4) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to the said schools,

- (a) prescribing the terms and conditions upon which pupils may,
 - (i) be admitted to, and remain in, a school, and
 - (ii) be discharged from a school;

- (b) authorizing the Minister to appoint a committee to hear and determine any question concerning the eligibility for admission of an applicant;
- (c) prescribing the fees, if any, that shall be paid in respect of pupils or any class or classes thereof;
- (d) authorizing the payment of part or all of the transportation costs of pupils whose parents or guardians reside in Ontario, and fixing the maximum amount that may be paid;
- (e) prescribing the manner in which pupils shall dress while attending a school;
- (f) authorizing a superintendent to specify the type and minimum amount of clothing that a parent or guardian shall provide for a pupil;
- (g) requiring a parent or guardian to deposit a sum of money with the bursar of a school for the purpose of defraying the personal incidental expenses of a pupil, and fixing the amount of the deposit;
- (h) authorizing a superintendent to dismiss a pupil at any time for,
 - (i) misconduct or failure to make satisfactory progress in a school, or
 - (ii) serious or continued ill-health as certified by the duly qualified medical practitioner of the school;
- (i) authorizing the Minister to provide training for teachers in courses leading to a Certificate as Teacher of the Deaf or a Certificate as Teacher of the Blind.

Expenses

(5) The cost of the establishment, maintenance and conduct of the said schools shall be payable out of such moneys as may be appropriated by the Legislature for those purposes.
R.S.O. 1960, c. 94, s. 15.

College of education

16.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

- (a) establish, maintain and conduct a college of education for the professional training and instruction of teachers; or

- (b) enter into an agreement with a university providing for the establishment, maintenance and conduct of such college of education by the university, upon such terms and conditions as the Minister and the university may agree upon,

and may enter into arrangements for the use of any elementary or secondary school for practice teaching purposes or for the services of teachers in any secondary school as lecturers or instructors in the college.

(2) The cost of the establishment, maintenance and conduct ^{Expenses} of the college of education shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. R.S.O. 1960, c. 94, s. 16.

17.—(1) Subject to the approval of the Lieutenant <sup>Teachers'
Governor in Council, the Minister may,
etc.</sup> colleges,
etc.

- (a) establish, maintain and conduct teachers' colleges and summer and winter courses for the training and instruction of teachers; and
- (b) enter into an agreement with any university or college providing for the establishment, maintenance and conduct of a teachers' college by the university or college, upon such terms and conditions as the Minister and the university or college may agree upon.

(2) The cost of the establishment, maintenance and con- ^{Expenses} duct of teachers' colleges and summer and winter courses shall be payable out of such moneys as may be appropriated by the Legislature for those purposes. R.S.O. 1960, c. 94, s. 17.

18.—(1) The Minister may establish, maintain and conduct <sup>Leadership
training
camps</sup> camps for leadership training.

(2) The cost of the establishment, maintenance and conduct ^{Expenses} of leadership training camps shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. R.S.O. 1960, c. 94, s. 18.

19.—(1) No private school shall be operated in Ontario <sup>Registration
of private
schools</sup> after the 1st day of September, 1962, unless it is registered in accordance with this section.

(2) Every private school shall be registered with the <sup>Time for
registration</sup> Department on or before the 1st day of September in the

year 1962 and on or before the 1st day of September in each year thereafter.

Application (3) Application for registration shall be in such form and with such particulars as the Minister may require.

Offence to operate private school without registration (4) Where a private school is operated in contravention of subsection 1,

(a) all persons concerned in the management of such school are severally guilty of an offence and on summary conviction are liable; or

(b) where the school is operated by a corporation, the corporation is guilty of an offence and on summary conviction is liable,

to a fine of not more than \$25 for every day such school is operated in contravention of subsection 1.

Return (5) The principal, headmaster or person in charge of a private school shall make a return to the Department furnishing such statistical information regarding enrolment, staff, courses of study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Inspection of school (6) The Minister may direct one or more school inspectors to inspect a private school, in which case each such inspector may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Inspection on request (7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in respect of the qualifications of the teachers and the standard of instruction in the subjects of grades 11 and 12 of the course or courses leading to the secondary school graduation diploma and may determine and levy a fee for this service.

Offence for false statement (8) Every person who knowingly makes a false statement in an application for registration or an information return under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. 1961-62, c. 31, s. 2.

INDEX

Administration	SECTION	
. . Act of	3	
Admission to schools		
. . regulations re.....	12(1) ¶2	
Adult education		
. . grants for, regulations re...12(4) (g, h)		
. . programmes of, regulations re.....	12(4)(a)	
Advisory committee		
. . technical institute, of.....	14(4, 5)	
Agreements		
. . bursaries, re.....	13(3)	
. . physical fitness, re.....	13(1)	
. . pupils at Indian schools, re.....	13(2)	
. . teachers' colleges, re.....	17(2)	
. . technical institutes, re.....	14(4)	
. . technical training, re.....	13(1)	
. . vocational training, re.....	13(1)	
Annual report		
. . Minister, of.....	4	
Approved cost		
. . definition of, regulations re ...12(3)(c)		
Approved maintenance and operating costs		
. . definition of, regulations re...12(4)(f)		
Area committee programmes		
. . number of, regulations re	12(4)(i)	
Area recreation committees		
. . appointment of, regulations re.....	12(4)(c)	
. . composition of, regulations re.....	12(4)(d)	
Area recreation directors		
. . appointment of, regulations re.....	12(4)(c)	
Armed services		
. . enlistment in, effect on school attendance.....	5	
. . selection of teachers for schools of.....	11a (1)	
Assistants		
. . number of, regulations re	12(4)(i)	
Attendance at school		
. . effect on		
. . discontinuation of class work, of 5(d)		
. . unavoidable absence, of.....	5(c)	
. . enlistment, etc., effect on.....	5	
. . regulations re	12(1) ¶13	
. . returns re, regulations re...12(1) ¶31		
. . school closed, effect on.....	6(2)	
Blind		
. . Ontario School for.....	15	
Board — <i>See also Institute board</i>		
. . books provided by, regulations re.....	12(1) ¶4	
. . contract with teachers, regulations re.....	12(1) ¶11	
. . defined.....	1(a)	
. . guarantee of debentures of.....	8(1)	
. . powers and duties of, regulations re.....	12(1) ¶31	
Books of reference		
. . recommended by Minister.....	10(2)(d)	
British subject		
. . certificate of qualification for persons other than.....	11(1)(c)	
Bursaries — <i>See also Scholarships</i>		
. . agreements re.....	13(3)	
. . regulations re.....	12(1) ¶6	
Cadet corps		
. . regulations re.....	12(1) ¶8	
Camping		
. . grants for, regulations re ..12(3) ¶8, 9		
. . programmes for, regulations re.....	12(4) ¶(g)	
Certificate of qualification		
. . cancellation of.....	11(1)(e)	
. . equivalent requirements for..11(1)(b)		
. . regulations re.....	12(1) ¶9	
. . suspension of.....	11(1)(e)	
. . teacher not British subject, where.....	11(1)(c)	
. . temporary, granted.....	11(1)(c)	
Certificate of standing		
. . regulations re.....	12(1) ¶21	
Civilian instructors		
. . pensions.....	11a(2)	
Classes — <i>See Schools and classes</i>		
College of education		
. . establishment of.....	16(1)	
. . expenses of.....	16(2)	
Colleges of applied arts and technology		
. . establishment and administration..14a		
. . regulations re.....	14a(7)	
Collegiate institutes		
. . designation of, regulations re.....	12(1) ¶10	

Commission	SECTION	Establishment of schools	SECTION
. . inquiry into school matters, for	11(1)(f)	. . regulations re.....	12(1) ¶1
Complaints		Examination boards	
. . settled by Minister.....	11(1)(h)	. . regulations re.....	12(1) ¶16
Contract for services		Examination fees	
. . termination of.....	11(2)	. . regulations re.....	12(1) ¶17
Courses of study		Examinations	
. . defined by Minister.....	10	. . regulations re.....	12(1) 16-18
. . regulations re.....	12(1) ¶20	Examiners	
Court of Appeal		. . fees of, regulations re.....	12(1) ¶18
. . question of school law submitted to.....	11(1)(g)	Expenses	
Deaf		. . college of education, of	16(2)
. . Ontario School for.....	15	. . leadership training camps, of	18(2)
Debentures		. . students attending professional training schools, of	11(1)(a)
. . guarantee of.....	8(1)	. . teachers' colleges, of.....	17(2)
. . form of.....	8(2)		
. . validity of.....	8(3)		
. . rate of interest on.....	9		
Definitions	1, 12(5)	Fees	
Dental inspection		. . examinations, for, regulations re.....	12(1) ¶17
. . regulations re.....	12(1) ¶25	. . presiding officers, of, regulations re.....	12(1) ¶18
Department		Forms	
. . defined.....	1(b)	. . prescribed by regulations.....	12(1) ¶32
. . presided over by Minister.....	2	Gardens	
Diplomas		. . regulations re.....	12(1) ¶23
. . regulations re.....	12(1) ¶21	Government of Canada	
Directors		. . grants from, apportionment of	11(1)(i)
. . qualifications in lieu of pre- scribed requirements.....	11(1)(b)	Grants	
. . qualifications of, regulations re.....	12(1) ¶27	. . apportionment of, regulations re.....	12(4)(g, h)
Disputes		. . calculation of, when school closed	6(2)
. . settled by Minister.....	11(1)(h)	. . calculation of, where war work or enlistment	5
Education		. . college of education for	16(2)
. . appropriation for, regulations re.....	12(3)(a)	. . conditions governing, regula- tions re days to be added for	12(3)(b)
. . costs of, regulations re.....	12(1) ¶14, 15, 30	. . Government of Canada, from, apportionment of	11(1)(i)
Elementary schools		. . retarded children, re.....	12(1) ¶30
. . attendance at, regulations re.....	12(1) ¶13	Guarantee of debentures	
. . regulations re.....	12(1) ¶1	. . form of	8(2)
. . used for practice teaching.....	11(1)(k)	. . Lieutenant Governor in Council, by	8(1)
Employees		Heads of departments	
. . medical examination of.....	11(1)(j)	. . regulations re.....	12(1) ¶27
Enlistment in armed services		High school	
. . school attendance not affected by....	5	. . maintenance of, on Crown lands	12(1) ¶12
Historical institutions		Historical institutions	
. . grants for, regulations re	12(4)(g)(h)		

	SECTION		SECTION
		Minister	
Home permits			
· regulations re.....	12(1) ¶31	· Act administered by	3
Inspectors		· annual report of.....	4
· courses of training for	11(1)(l)	· courses of study defined by	10
· qualifications in lieu of pre- scribed requirements.....	11(1)(b)	· defined	1(c)
· regulations re.....	12(1) ¶27	· Department presided over by	2
Institute board		· duties and powers of.....	3, 11
· technical institute, for.....	14(4, 5)	· leadership training camps established by.....	18(1)
Instructors—See Civilian instructors; teachers		· Ontario School for the Blind administered by	15(2)
Interest		· Ontario School for the Deaf administered by	15(1)
· rate of, on debentures, etc.....	9	· regulations made by.....	12
Joint recreation committees		· Ontario School for the Blind, re.....	15(4)
· regulations re		· Ontario School for the Deaf re.....	15(4)
· appointment of.....	12(4)(c)	· technical institutes, re.....	14(7)
· appointment of officers of.....	12(4)(c)	· teachers' colleges established by.....	17(1)
· composition of.....	12(4)(d)	· technical institutes established by.....	14(1)
· definition of.....	12(4)(e)		
Joint recreation programme			
· definition of, regulations re	12(4)(e)	Municipal council	
Judge		· powers and duties of, regulations re.....	12(1) ¶31
· question of school law submitted to.....	11(1)(g)	· recreation committees appointed by.....	12(4)(c)
Leadership training camps			
· establishment of.....	18(1)	Municipality	
· expenses of.....	18(2)	· guarantee of debentures of	8(1)
		· validity of	8(3)
Legislative grants—See Grants			
Letter of permission			
· unqualified person as teacher, re.....	11(1)(d)	Municipal recreation director	
Library		· certificates of	12(4)(b)
· regulations re.....	12(1) ¶24	· definition of, regulations re	12(4)(e)
Lieutenant Governor in Council			
· debentures guaranteed by.....	8(1)	Municipal recreation services	
· interest rate on debentures set by	9	· definition of, regulations re	12(4)(e)
· schools closed by.....	6(1)		
· calculation of grants when	6(2)	Occasional teacher	
Literary institutions		· defined	1(f)
· grants for, regulations re	12(4)(g)(h)		
Matrons			
· regulations re.....	12(1) ¶27	Ontario School for the Blind	
Medical examination		· Minister, administered by	15(2)
· employees, of	11(1)(j)	· maintenance of	15(5)
· teachers, of	11(1)(j)	· regulations re.....	15(4)
Medical inspection			
· regulations re.....	12(1) ¶25	Ontario School for the Deaf	
		· Minister, administered by	15(1)
		· maintenance of	15(5)
		· regulations re.....	15(4)
		Permanent teacher	
		· defined	1(g)
		Physical education	
		· defined	12(5)
		· grants for, regulations re	12(4)(g, h)
		· programmes for, regulations re	12(4)(a)

	SECTION		SECTION
Physical fitness		Regulations	
· agreements, re.....	13(1)	· administered by Minister.....	3
Practice teaching		· defined.....	1(d)
· college of education, for.....	16(1)	· made by Minister.....	12
· regulations re.....	12(1) ¶26	· Ontario School for the Blind, re.....	15(4)
· use of schools for.....	11(1)(k)	· Ontario School for the Deaf, re.....	15(4)
· technical institutes, re.....		· technical institutes, re.....	14(7)
Presiding officers		Report	
· fees of, regulations re.....	12(1) ¶18	· annual, of Minister.....	4
Principals		· school matters, on, by commission.....	11(1)(f)
· regulations re.....	12(1) ¶27	Retarded children	
Private Schools		· grants re education of.....	12(1) ¶30
· defined.....	1(ca)	Scholarships—See also Bursaries	
· registration of.....	19(1)(2)	· regulations re.....	12(1) ¶36
Professional training schools		· study outside Ontario, for.....	7
· expenses of students attending.....	11(1)(a)	School attendance officers	
Provincial technical institute		· regulations re.....	12(1) ¶27, 31
· defined.....	14(3)	School boards—See Board	
Provincial polytechnical institute		School buildings	
· defined.....	14(3)	· regulations re.....	12(1) ¶5
Provincial Student-Aid Loan Fund		School law	
· establishment of, regulations re.....	12(1) ¶7	questions of, submitted to Judge.....	11(1)(g)
· recovery of loans under.....	12(2)	School matters	
Public Inquiries Act		· inquiry re, by commission.....	11(1)(f)
· application of.....	11(1)(f)	School premises	
Public schools		· regulations re.....	12(1) ¶5
· maintenance of, on Crown lands.....	12(1) ¶12	Schools Administration Act	
Public Schools Act		· application of.....	12(1)
· application of.....	12(1)	Schools and classes	
Pupils		· admission to, regulations re ..12(1) ¶2	
· attending professional training schools, expenses of.....	11(1)(a)	· closing of.....	6(1)
· Indian schools, at.....	13(2)	· calculation of grants when	6(2)
· regulations re.....	12(1) ¶2, 28	Scientific institutions	
· attendance of.....	12(1) ¶13	· grants for, regulations re ..12(4)(g, h)	
· transportation of, regulations re.....	12(1) ¶14, 34, 35	Secondary Schools	
Recreation		· attendance at, regulations re.....	12(1) ¶13
· regulations re		· regulations re.....	12(1) ¶1
· programmes for	12(4)(a)	· used for practice teaching	11(1)(k)
Recreation committees		Secondary Schools and Boards of Education Act	
· regulations re		· application of.....	12(1)
· appointment of.....	12(4)(c)	Separate Schools Act	
· appointment of officers of...12(4)(c)		· application of.....	12(1)
· composition of.....	12(4)(d)	Special Education	
· definition of	12(4)(e)	· regulations re	12(1) ¶3
Recreation programme			
· definition of, regulations re ..12(4)(e)			

Students—<i>See Pupils</i>	SECTION	Technical institutes	SECTION
Subjects—<i>See Courses of study</i>		. admission to.....	14(8)
Superintendents		. agreements re.....	14(2)
. regulations re.....	12(1) ¶27	. conduct of.....	14(4, 5)
Supervisors		. establishment of.....	14(1)
. regulations re.....	12(1) ¶27	. maintenance of.....	14(6)
Supervisory officers		. regulations re.....	14(7)
. regulations re.....	12(1) ¶27	Technical training	
Teachers		. agreements, re.....	13(1)
. contracts of, regulations re..	12(1) ¶11	Text books	
. exchange of, regulations re..	12(1) ¶22	. regulations re.....	12(1) ¶33
. instruction of.....	16, 17	Transportation of pupils	
. letter of permission re		. regulations re.....	12(1) ¶14, 34, 35
unqualified persons as.....	11(1)(d)	Treasurer of Ontario	
. medical examination of.....	11(1)(j)	. debentures held by.....	9
. qualifications in lieu of pre-		Universities	
scribed requirements.....	11(1)(b)	. agreements with	16(2), 17(2)
. qualifications of,		Vocational schools	
regulations re.....	12(1) ¶29	. maintenance of, on Crown	
. regulations re.....	12(1) ¶27	lands.....	12(1) ¶12
. termination of contracts of.....	11(2)	Vocational training	
. use of schools for practice		. agreements re	13(1)
of.....	11(1)(k)	War work	
Teachers' colleges		. school attendance not affected by....	5
. agreements re.....	17(1)		
. establishment of.....	17(1)		
. expenses of.....	17(2)		



ONTARIO

The Public Schools Act

Revised Statutes of Ontario, 1960

CHAPTER 330

as amended by

1960-61, Chapter 82; 1961-62, Chapter 120;
1962-63, Chapter 117; 1964, Chapter 95;
1965, Chapter 109; 1966, Chapter 129; and 1967, Chapter 82

1967

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PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Public Schools Act

R.S.O. 1960, CHAPTER 330

as amended by

1960-61, Chapter 82; 1961-62, Chapter 120;
1962-63, Chapter 117; 1964, Chapter 95; 1965, Chapter 109;
1966, Chapter 129; and 1967, Chapter 82.

1. In this Act,

Interpre-
tation

- (a) "board" means a board of public school trustees;
- (b) "elector" in a municipality means a person entered on the last revised voters' list as qualified to vote at municipal elections and who is not a supporter of a separate school, and in a school section in territory without municipal organization means a person who is entered on the last revised assessment roll for the school section as a public school supporter, and who is not disqualified under this Act, and who is not a supporter of a separate school;
- (c) "ratepayer" means a person entered on the last revised assessment roll as a public school supporter for the school section or municipality. R.S.O. 1960, c. 330, s. 1.

2. The regulations, though not specially referred to, apply to any matter or thing contained in this Act, so far as they are consistent with this Act. R.S.O. 1960, c. 330, s. 2.

3. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes applies to the supporters of Roman Catholic separate schools, except that all taxable property continues to be liable to taxation for the purpose of paying any liability incurred for public school purposes while the property was subject to taxation for such purposes. R.S.O. 1960, c. 330, s. 3.

4. Until altered under the authority of this Act, all public school sections continue as they now exist, and all trustees duly elected and all officers duly appointed continue in office, and all agreements, contracts, assessments and ratebills heretofore duly made in relation to public schools and existing when this Act takes effect continue subject to the provisions of this Act. R.S.O. 1960, c. 330, s. 4.

5.—(1) Subject to section 6, a person who has attained the age of five years on or before the 31st day of December in any year has the right to attend, after the 1st day of Septem-

Right
to attend
public
school

Existing
school
arrange-
ments con-
tinued

ber of the following year, a public school in the school section in which he and his parent or guardian reside or a public school in another section for which the board has made provision under section 6 unless,

- (a) his parent or guardian is a separate school supporter; or
- (b) he is unable by reason of mental or physical defect to profit by instruction; or
- (c) he has been promoted to a grade beyond the grade required to be operated in the public school; or
- (d) he has attained the age of twenty-one years.

Determination as to whether or not person can profit by instruction

(2) Where a question arises as to whether or not a person can profit by instruction in a public school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final.

Evidence as to right to attend

(3) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the school, including proof of age.

Kinder-garten

(4) Where a board operates a kindergarten in a school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior kindergarten

(5) Where the board operates a junior kindergarten in a school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1. R.S.O. 1960, c. 330, s. 5 (1-5).

Kinder-garten fees
R.S.O. 1960,
c. 361

(6) The board may charge a fee, as provided in subsection 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1. R.S.O. 1960, c. 330, s. 5 (6); 1965, c. 109, s. 1.

Beginners class

(7) The board may provide a class or classes for children to enter school for the first time in the second or third term of any school year on and after a date approved by the board, in which case a child whose birthday is on or after the 1st day of January and before the 1st day of July and who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class. 1962-63, c. 117, s. 1; 1967, c. 82, s. 1.

6.—(1) REPEALED: 1965, c. 109, s. 2 (1).

(2) Subject to section 5, where a child and his parent or guardian reside in a school section in a residence that is assessed to the support of public schools or in a trailer for which fees are paid for the support of public schools, the child shall be admitted to a public school by the board of that section without the payment of a fee.

(3) Subject to section 5, where a child whose parent or guardian is not a separate school supporter moves with his parent or guardian into a residence that is assessed for separate school purposes, and the date upon which the assessment for the current year may be changed to the support of public schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a public school by the board of the section without the payment of a fee. R.S.O. 1960, c. 330, s. 6 (2, 3).

(4) Subject to section 5, a child,

- (a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and
- (b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act* and as certified by the inspector,

may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year. R.S.O. 1960, c. 330, s. 6 (4); 1965, c. 109, s. 2 (2).

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the inspector having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee calculated

R.S.O. 1960,
c. 361

in accordance with subsection 1 of section 100a of *The Schools Administration Act.* 1964, c. 95, s. 1; 1965, c. 109, s. 2 (3).

Admission
of non-
resident
pupils

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for the privilege under subsection 4, 5 or 10, the child may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act.* R.S.O. 1960, c. 330, s. 6 (6); 1965, c. 109, s. 2 (4); 1967, c. 82, s. 2.

Admission
of child
whose
mother is
sole
supporter,
etc.

(7) Subject to section 5, a child whose mother,

- (a) resides in Ontario;
- (b) is the sole support of the child;
- (c) is not assessed as a supporter of a public or separate school in any school section; and
- (d) boards her child in a residence that is assessed to the support of public schools and that is not a children's boarding home as defined in *The Children's Boarding Homes Act,*

R.S.O. 1960,
c. 54

shall be admitted to a public school in the section in which he resides without the payment of a fee. R.S.O. 1960, c. 330, s. 6 (7).

Admission
of ward of
children's
aid society

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted, without the payment of a fee, to a school by the board that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward.

Where child
placed for
adoption

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a school by the board that is supported by the assessment of the residence in which the child resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that the child has been so placed for adoption. 1965, c. 109, s. 2 (5).

Idem

(9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section

100a of *The Schools Administration Act*. R.S.O. 1960, c. 330, s. 6 (9); 1965, c. 109, s. 2 (6).

(10) Where a parent or guardian wishes to enrol his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section,

Admission
of non-
resident
pupil, where
assessed
parent
in section

- (a) as an owner; or
- (b) for business assessment; or
- (c) as an owner and for business assessment,

for an amount at least equal to the total assessment for public school purposes in that school section divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a public school by the board of that section without the payment of a fee.

(11) Where a child resides on land that is exempt from taxation for school purposes, he shall be admitted to a public school that is accessible to him and for which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils. R.S.O. 1960, c. 330, s. 6 (10, 11).

Resident
on land
exempt from
taxation

(12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. R.S.O. 1960, c. 330, s. 6 (12); 1965, c. 109, s. 2 (7).

Agreement
between
boards

R.S.O. 1960,
o. 361

(13) Notwithstanding the other provisions of this section, where it appears to a board that a child who resides in the school section is denied the right to attend school without the payment of a fee, the board may admit the child from year to year without the payment of a fee. 1962-63, c. 117, s. 2.

6a.—(1) Subject to the approval of the Minister, a board may enter into an agreement with another board providing,

Admission
without fee

- (a) for the construction, furnishing and equipping of one or more additional classrooms by one board to provide accommodation for pupils of the other board;
- (b) that the cost of providing such additional accommodation shall be borne and paid by such other board; and

Agreement
for pro-
vision of
additional
accommoda-
tion by
board for
pupils of
another
board

R.S.O. 1960,
c. 361

(c) notwithstanding subsection 1 of section 100a of *The Schools Administration Act*, for the calculation and payment of fees in respect of such pupils.

Debentures where cost borne by board not providing accommodation

(2) Where under an agreement the board that does not provide the additional accommodation is required to bear and pay the cost thereof, for the purposes of issuing municipal debentures, the additional accommodation shall be deemed to be a permanent improvement of such board.

Term of agreement

(3) Every such agreement shall remain in effect for at least the term of the debentures issued in respect thereof unless terminated by the mutual consent of the parties to the agreement. 1965, c. 109, s. 3.

Religious exercises

7.—(1) No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian.

Religious instruction

(2) Subject to the regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. R.S.O. 1960, c. 330, s. 7.

Public school visitors

8.—(1) Judges, members of the Assembly, and members of municipal councils, are school visitors in the municipalities where they respectively reside, and every clergyman is a school visitor in the municipality where he has pastoral charge.

Powers of school visitors

(2) School visitors may visit public schools, may attend any school exercises, and at the time of a visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils and any others present, as they deem expedient. R.S.O. 1960, c. 330, s. 8.

School lands granted before 1850 vested in trustees for school purposes

9.—(1) All lands that before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which the lands are respectively situate, continue to be vested in such trustees, and continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which the lands are now respectively held.

Disposal of school lands by boards

(2) Notwithstanding subsection 1, lands originally granted or conveyed by the Crown for common school purposes and held by the trustees of a school section or municipality may

be leased, sold or otherwise disposed of with the approval of the Lieutenant Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be prescribed in the order granting the approval. R.S.O. 1960, c. 330, s. 9.

9a.—(1) Where land, the use of which is restricted in any manner to school purposes, has been vested in a rural school board for at least fifty years, the board may apply to the Supreme Court to remove the restriction, and the Supreme Court may make such order on the application as it deems just.

(2) Where restrictions are removed from land under section 1 and the board offers the land for sale, it shall first offer the land at a reasonable price to the owner or owners of land abutting on the land offered for sale. 1964, c. 95, s. 2.

10. REPEALED: 1966, c. 129, s. 1.

11.—(1) Where the land of any person is situate within the limits of two or more school sections, the parts so situate shall be assessed upon the assessment roll separately according to the divisions of the school sections within the limits of which the parts are situate.

(2) All parts of a school section, except those parts of a township school area or district school area that are in territory without municipal organization, shall be adjoining. 1966, c. 129, s. 2.

12.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school on lands held by the Crown in right of Canada or Ontario, or on any lands that are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he may deem proper.

(2) The board so appointed is a body corporate by the name indicated in the order establishing the rural school section and has all the authority of a board of public school trustees for the purposes of this Act. R.S.O. 1960, c. 330, s. 12.

(3) No rural school section established under this section shall be included in a township school area. 1965, c. 109, s. 4.

13.—(1) Every council of a county shall appoint a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not en-

titled to vote as a member of the committee. 1964, c. 95, s. 3, *part*.

Duties of committee

(2) The council of a county may direct the committee to investigate and report on the desirability of establishing or enlarging county school areas or of altering township school areas or on any other matters affecting public school education in the county. 1965, c. 109, s. 5 (1).

Information

(3) All public school boards having jurisdiction within the county shall, on the request of the consultative committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the county.

Committee reports

(4) The reports and recommendations of the committee are not binding upon the Minister, the county council or any of the public school boards having jurisdiction in the county. 1964, c. 95, s. 3, *part*.

Expenses

(5) A county may reimburse the members of its consultative committee for their actual expenses incurred on business of the committee. 1964, c. 95, s. 3, *part*; 1967, c. 82, s. 3.

Establishment of county school areas

(6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the municipalities and parts thereof that form a high school district as a county school area for public school purposes and may include therein any area adjacent thereto within the county.

Alteration of county school areas

(6a) Subject to subsections 6 and 7, the council of a county may, by by-law passed before the 1st day of July in any year, alter a county school area as recommended by the consultative committee. 1965, c. 109, s. 5 (2).

Municipalities in adjoining counties

(7) The council of a county may, by by-law passed before the 1st day of July in any year, include in a county school area, as recommended by the consultative committee, all or part of one or more municipalities in an adjoining county or counties if the council or councils of the adjoining county or counties, by resolution, consent thereto within ninety days after the passing of the by-law. 1966, c. 129, s. 3 (1).

Where city or separated town included in county school area

(7a) Where a by-law passed under subsection 6, 6a or 7 includes all or part of a city or separated town in a county school area, the by-law is not effective unless the council of the city or separated town, by resolution, consents thereto within ninety days after the passing of the by-law. 1966, c. 129, s. 3 (2).

Effective date of by-laws

(8) A by-law passed under subsection 6, 6a or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of

trustees, it shall be effective on the day it is approved by the Minister. 1964, c. 95, s. 3, *part*; 1965, c. 109, s. 5 (3).

(9) When a by-law passed under subsection 6 or 6a comes into force, every school section that is wholly included in the county school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area. 1964, c. 95, s. 3, *part*; 1966, c. 129, s. 3 (3). Dissolution
of boards

(10) When a by-law passed under subsection 7 comes into force and the effect of the by-law is to attach one or more school sections to the county school area, every such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the county school area. 1964, c. 95, s. 3, *part*. Idem

(11) There shall be a board of public school trustees for every county school area, which shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, which subsections apply *mutatis mutandis*, provided that, Board,
composition
R.S.O. 1960,
s. 362

(a) where,

- (i) the number of trustees is fewer than five or more than nine, or
- (ii) a municipality or part thereof in a county school area is entitled under subsection 1 or 2 of such section 55 to one-half or fewer of the trustees of the county school area and the assessment for public school purposes in the municipality or part as adjusted by the application of the latest equalization factor provided by the Department of Municipal Affairs is more than three-quarters of the total assessment for public school purposes in the county school area as adjusted by the application of the latest equalization factors provided by such Department,

the council of a county may, as recommended by the consultative committee, request the Minister to determine the number of trustees to be elected to the board, the municipality or municipalities to be represented by each trustee, and their terms of office;

- (b) where a part of a township is included in a county school area and the assessment for public school purposes in such part is less than 10 per cent of the

total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of such section 55. 1965, c. 109, s. 5 (4), *part*; 1966, c. 129, s. 3 (4).

Election
where
Minister
determines
representation

(11a) Where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of one or more trustees, such trustee or trustees shall be elected by the general vote of the persons qualified to vote for public school trustees in such combined area, and,

- (a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest assessment for public school purposes in the combined area and shall be held at the same time and place as nominations for municipal councillors in that municipality;
- (b) the election of such trustees shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of municipal councillors; and
- (c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote and shall notify the board in writing of his determination. 1966, c. 129, s. 3 (5).

Election of
trustees

(12) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Voters
list

(12a) Where a county school area includes part of a township that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, the clerk of the township that includes such part shall furnish to the clerk of the township in which the county school area is formed, or, where the county school area includes all of two or more townships, to the clerk of the township having the greatest equalized assessment, a certified copy of the list of voters qualified to vote on school matters in such part of the township.

(12b) Each part of a township that is included in a county school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached, by resolution, by the public school consultative committee of the county in which the county school area or the part of the county school area having the greatest assessment is located, to a township all or part of which is in the county school area. 1965, c. 109, s. 5 (4), *part*.

(13) A board of a county school area is a corporation by ^{Name of board} the name of "The Public School Board of (*insert name of county*) County School Area Number (*insert number in order of formation*)" or, if designated in the by-law establishing or altering the county school area and approved by the Minister, "The Public School Board of (*insert names of municipalities chiefly concerned*)". 1964, c. 95, s. 3, *part*; 1965, c. 109, s. 5 (5).

(14) Every county school area is an enlarged administrative ^{Enlarged administrative area} area. 1966, c. 129, s. 3 (6).

(15) The rights and claims between school sections included in or affected by the formation or enlargement of a county school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*. 1964, c. 95, s. 3, *part*.

(16) In the year in which a county school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

- (a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the county school area according to the last revised assessment rolls; and
- (b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the county school area and the treasurers shall be the arbitrators to determine the matter. 1965, c. 95, s. 5 (6).

14.—(1) In the area served by a secondary school in a territorial district, the provincial public school inspector for the majority of the municipalities in the area may call a meeting of representatives of the councils of the municipalities, in which pupils attending the school are resident, that have each a population of less than 15,000 and of the public school boards having jurisdiction in such area.

Consultative committee

(2) The representatives attending a meeting may elect a public school consultative committee of three or five public school ratepayers, and a public school inspector, designated by the Minister, shall be secretary of the committee but is not entitled to vote as a member of the committee.

Information

(3) All public school boards having jurisdiction within the area under consideration by the consultative committee shall, on the request of the committee, furnish to the committee any information that may be required concerning matters in any way affecting the provision of public school education in the area under consideration.

Reports of committee

(4) The reports and recommendations of the committee are not binding upon the Minister, the councils or any of the public school boards having jurisdiction in the area under consideration. 1964, c. 95, s. 3, *part*.

Expenses

(5) The Minister may reimburse the members of a committee elected under this section for their actual expenses incurred on business of the committee. 1964, c. 95, s. 3, *part*; 1967, c. 82, s. 4(1).

Duties of committee

(6) The public school inspector may direct the committee to report on petitions for the establishment or enlargement of district school areas and to obtain information and to make recommendations in detail regarding,

- (a) the desirability of establishing or enlarging district school areas comprising part or all of two or more municipalities, school sections or territory without municipal organization; and
- (b) any other matters affecting public school education in the areas. 1964, c. 95, s. 3, *part*; 1966, c. 129, s. 4 (1).

Establishment of district school area

(7) On or before the 1st day of July in any year, the council of a municipality that is within the area in which the committee has recommended the establishment of a district school area and that is named by the committee may by by-law establish a district school area as recommended by the committee.

Enlargement of school areas

(8) On or before the 1st day of July in any year, the council of a municipality that is in a district school area and that is named by the committee may by by-law enlarge the district school area as recommended by the committee. 1964, c. 95, s. 3, *part*.

Effective date of by-law

(9) A by-law passed under subsection 7 or 8 shall, if approved, within ninety days of the passing of the by-law, by the councils of the municipalities concerned and the public school boards concerned that are entirely within territory without municipal organization having at least 90 per cent of the assessment for public school purposes within the district school

area proposed in the by-law, and by the Minister, come into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. 1966, c. 129, s. 4 (2).

(10) When a by-law passed under subsection 7 or 8 comes ^{Dissolution of boards} into force, each school section that is wholly included in the district school area ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area. 1964, c. 95, s. 3, *part*; 1966, c. 129, s. 4 (3).

(11) When a by-law passed under subsection 8 comes into ^{Idem} force and the effect of the by-law is to attach one or more school sections to the district school area, every such section thereupon ceases to exist and the board of such section is dissolved, and all the real and personal property vested in such board is vested in the board of the district school area. 1964, c. 95, s. 3, *part*.

(12) There shall be a board of public school trustees for ^{Board} every district school area, which shall consist of the same number of elected trustees, and elected in the same manner, as boards of education under sections 55 and 56 of *The Secondary Schools and Boards of Education Act*, which sections, except subsection 2 of section 56, apply *mutatis mutandis*, except that there shall be no appointed trustees, provided that,

- (a) where the number of trustees is fewer than five or more than nine, or where, by virtue of clause *c*, more than one-half of the municipalities or parts thereof in the district school area are not deemed municipalities for the purposes of such sections 55 and 56, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected to the board, their terms of office and the municipality or municipalities to be represented by each trustee;
- (b) where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of one or more trustees, such trustee or trustees shall be elected in accordance with the provisions of subsection 11a of section 13;
- (c) where the assessment for public school purposes in a municipality or part thereof in a district school area is less than 10 per cent of the assessment for public school purposes in the municipality or part thereof having the greatest assessment for public school

purposes in the district school area, the first mentioned municipality or part thereof shall not be deemed a municipality for the purposes of such sections 55 and 56. 1966, c. 129, s. 4 (4), *part*; 1967, c. 82, s. 4 (2).

Where municipalities and parts thereof not rated for trustee
R.S.O. 1960,
c. 362

(12a) Where a district school area includes a municipality or part that is not deemed a municipality for the purposes of section 55 or 56 of *The Secondary Schools and Boards of Education Act*, such municipality or part shall, for the purposes of the election of trustees and of voting on school matters, be attached, by resolution of the public school consultative committee, to a municipality, all or part of which is included in the district school area, that is a municipality for the purposes of such sections 55 and 56, and the clerk of the municipality or part so attached shall furnish to the clerk of the municipality to which it is attached a certified copy of the list of voters qualified to vote on school matters in such municipality or part. 1966, c. 129, s. 4 (4), *part*.

Interpretation of majority

(13) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the district school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 12. 1964, c. 95, s. 3, *part*.

(13a) REPEALED: 1967, c. 82, s. 4 (3).

Name of board

(14) The board of a district school area is a corporation by the name of "The Public School Board of (*insert name of territorial district*) District School Area Number (*insert number in order of formation*)" or "The Public School Board of (*insert name of municipality in which secondary school is located*) District School Area" as is designated in the by-law establishing the school area. 1964, c. 95, s. 3, *part*.

Enlarged administrative area

(15) Every district school area is an enlarged administrative area. 1966, c. 129, s. 4 (6).

Adjustment of claims

(16) The rights and claims between municipalities and school sections included in or affected by the formation or enlargement of a district school area shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*. 1964, c. 95, s. 3, *part*.

Apportionment of annual requisition

(17) In the year in which a district school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

- (a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the district school area according to the last revised assessment rolls; and
- (b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the district school area and the treasurers shall be the arbitrators to determine the matter. 1965, c. 109, s. 6.

15. REPEALED: 1966, c. 129, s. 5.

16. Every urban municipality is an urban school section ^{Urban municipality} unless it forms part of a county school area, district school ^{to be urban} area, township school area or union school section. 1966, ^{school section} c. 129, s. 6.

17. The council of a municipality or county that passes ^{Copies of by-laws establishing or altering sections to affected boards, etc.} a by-law establishing or altering a school section shall send a copy of the by-law forthwith after the passing thereof to each municipality, county and board affected by the by-law, to each inspector having jurisdiction in the area affected and to the Minister. 1966, c. 129, s. 7.

18.—(1) A person is qualified to be elected as a public ^{Qualifications of public school trustees} school trustee who,

- (a) is a Canadian citizen;
- (b) is of the full age of twenty-one years;
- (c) is a resident in or within one mile of the school section; and
- (d) is a ratepayer in the school section.

(2) A person is not qualified to be elected as a public school ^{Disqualifications} trustee,

- (a) who is,
 - (i) a member of any other elementary or secondary school board, or
 - (ii) a member of the council of a municipality or county in which all or part of the school section is situate, or
 - (iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

- (b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;
- (c) who is the husband or wife of a trustee of the same board;
- (d) who is otherwise disqualified under this or any other Act; or
- (e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

Qualification to act as trustee

(3) A person is qualified to act as a public school trustee during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a* to *d* of subsection 2.

Persons deemed ratepayers

(4) The following persons shall be deemed ratepayers under clause *d* of subsection 1:

- (a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;
- (b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and
- (c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.

(5) For the purposes of subsection 4, "farm" means not fewer than twenty acres of land in the actual occupation of the owner thereof. 1966, c. 129, s. 8.

19. REPEALED: 1966, c. 129, s. 9.

20. A board does not cease to exist by reason of the want of trustees. 1966, c. 129, s. 10.

Board
not to cease
for want of
trustees

21. REPEALED: 1966, c. 129, s. 11.

22. REPEALED: 1966, c. 129, s. 12.

23. REPEALED: 1966, c. 129, s. 13.

24. REPEALED: 1966, c. 129, s. 14.

25. REPEALED: 1966, c. 129, s. 15.

26. REPEALED: 1966, c. 129, s. 15.

27. Every board in urban municipalities is a corporation ^{Urban school} _{board} ^{corporation} by the name of "The.....Public School Board", prefixing to the words "Public School Board" the name of the municipality for which the board is elected. R.S.O. 1960, c. 330, s. 27 (1).

28. Where an urban municipality becomes incorporated, ^{First} _{election} _{of trustees} the board having jurisdiction over the school property within the urban municipality before such incorporation shall, for the purposes of the public schools in the urban municipality, exercise all the powers and perform all the duties of a board of an urban municipality until a board is organized in such urban municipality. R.S.O. 1960, c. 330, s. 28.

(NOTE.—*As to elections in a union school section, see section 53.)*

29.—(1) Except as provided in section 30, the trustees of a school board of an urban municipality shall be elected by a general vote of the electors for a term of two years with one-half of the trustees retiring each year. R.S.O. 1960, c. 330, s. 29 (1).

(2) The number of trustees on the board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held as follows, where the population was,

(a) less than 10,000, six trustees;

- (b) 10,000 or more but less than 50,000, eight trustees;
- (c) 50,000 or more but less than 100,000, ten trustees;
- (d) 100,000 or more, twelve trustees. R.S.O. 1960, c. 330, s. 29 (2); 1965, c. 109, s. 9 (1).

**Change in
number of
trustees**

- (3) Where it becomes evident from the census of a municipality that the number of trustees on a school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. 1960-61, c. 82, s. 3; 1965, c. 104, s. 9 (2).

**Urban
municipality
divided into
wards**

- 30.**—(1) A school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

**Where five or
more wards**

- (2) A school board of an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the electors of each ward for a term of two years.

**Change from
election by
wards to
general vote**

- (3) The composition and election of a school board of an urban municipality that is elected as provided in subsection 1 or 2 may be changed to that provided in section 29. 1961-62, c. 120, s. 6.

**Method of
changing
composition
and
election
of board**

- 31.**—(1) The composition and election of a board of an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 30 to that provided in any other subsection in that section provided that,

- (a) a resolution for a change is supported by a majority of the trustees of the board and is approved by resolution by the council of the municipality before the 1st day of July in any year; or
- (b) where such a resolution for a change is not approved by the council before the 1st day of July, the board may require the council to submit the resolution to the electors at the next municipal election.

**Where
change
involves
township
area
board or
board of
education**

- (2) Where a township area board is to be established to replace more than one public school board or where a board of education is to be established to replace a public school board or a board of education is to be dissolved and replaced by a public school board, the trustees required to support a resolution under clause *a* of subsection 1 shall be the elected trustees in the municipality and, where there is more than one

public school board concerned, any such board may require council to submit a resolution to the electors under clause *b* of subsection 1. R.S.O. 1960, c. 330, s. 31 (1, 2).

(3) At the election following the passing of the resolutions by the board and council or following an affirmative vote of a majority of the electors who voted on the resolution, as the case may be, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. 1960-61, c. 82, s. 4.

(4) A change in the method of election may not be made under this section unless,

- (a) the board has been elected in its present form for a period of four years; or
- (b) a board of education is being established or a public school board is being established following the dissolution of a board of education. R.S.O. 1960, c. 330, s. 31 (4).

32.—(1) At the first election of the trustees of an urban school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year,

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the clerk of the municipality shall determine the order of retirement by lot. R.S.O. 1960, c. 330, s. 32.

(2) Every trustee of a school board of an urban municipality shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act*. 1961-62, c. 120, s. 7.

33. Every person is entitled to vote at the election of trustees and on public school matters in an urban school section whose name is entered on the last revised voters' list as being entitled to vote at municipal elections in the municipality or the part thereof included in the urban school section except persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools. 1966, c. 129, s. 17.

Election
of new
board after
change

Limitations
on changing
method of
election

Determina-
tion of
retirement
of trustees

Trustee in
office until
organization
of new board

R.S.O. 1960
c. 361

Voters in
urban
school
section

Election by
ballot

34.—(1) The board of an urban municipality shall be elected by ballot, and the election shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, *mutatis mutandis* apply to the election.

R.S.O. 1960,
e. 249

Ballots

(2) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form *mutatis mutandis* as those used for aldermen or councillors, and a ballot shall be delivered only to a person who is a supporter of the public schools under the jurisdiction of the board to which the candidate is seeking election.

Idem

(3) In no case shall a ballot be delivered to any person who is entered on the list of voters as a separate school supporter or by reason of being the wife or husband of a separate school supporter. R.S.O. 1960, c. 330, s. 34.

Vacancies
in urban and
township
area boards

35.—(1) REPEALED: 1966, c. 129, s. 18.

(2) Subject to subsection 4, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote.

Idem

(3) Subject to subsection 4, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election shall fill the vacancy for the longer term, and in case of a tie the clerk of the municipality shall determine the order of retirement by lot.

Idem

(4) In the case of an urban school board or a township school area board,

- (a) any vacancy that occurs within one month of the time for the next ensuing election shall not be filled in the manner provided by subsection 2 or 3, but the office shall remain vacant until the election, and if the term of the vacant office then expires a new trustee shall be elected, or if the term does not then expire some duly qualified person shall be elected at the election to fill the vacancy for the remainder of the term;
- (b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 2 or 3, as the case may be;
- (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;
- (d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the clerk of the municipality shall determine the order of retirement by lot.

(5) Where the inspector reports that no persons duly qualified are available or that the electors have failed to elect trustees, the Minister may appoint as members of the board such persons as he may deem proper, and the persons so appointed have all the authority of a board as though they were eligible and duly elected according to this Act. R.S.O. 1960, c. 330, s. 35 (2-5).

36. REPEALED: 1966, c. 129, s. 19.

37.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a county, district or township school area board has been established shall be made to the judge of the county or district court within twenty days after the election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit, and may cause such persons as he deems expedient to appear before him and give evidence. R.S.O. 1960, c. 330, s. 37 (1); 1966, c. 129, s. 20 (1).

(2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may

order a new election, and may order the person found by him not to have been elected to be removed, and if the judge determines that any other person was duly elected he may order such person to be admitted, and, where a recount results in two or more candidates having an equal number of votes, the judge shall certify the result to the secretary of the board, and he shall in all cases report his decision to the secretary of the board. R.S.O. 1960, c. 330, s. 37 (2); 1965, c. 109, s. 10 (1).

**Application
of R.S.O.
1960, c. 330,
s. 142**

(3) Section 142 of *The Municipal Act* applies *mutatis mutandis* to every election of trustees in an urban municipality or in a township for which a county, district or township school area board has been established and to any proceeding relating to such election. R.S.O. 1960, c. 330, s. 37 (3); 1966, c. 129, s. 20 (2).

**Where
recount
necessary
because of
tie vote**

(4) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk of the municipality shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate, and shall forthwith notify the judge of the county or district court of the result, and such notification shall be deemed to be a complaint under subsection 1.

**When
secretary
to give
casting
vote**

(5) Upon the result of a recount being certified to him showing that two or more candidates have an equal number of votes, the secretary shall forthwith after receiving the certificate give a casting vote for one or more of the candidates or provide for the drawing of lots to decide the election.

**Where
sufficient
number of
candidates
not declared
elected to
organize
newly-
created
board**

(6) Where a secretary has not been appointed because a new board has been created but cannot be organized because of an equality of votes of two or more candidates, the clerk of the municipality or, where there is more than one municipality in the school section, the clerk of the municipality having the greatest assessment shall be deemed to be the secretary for the purposes of subsections 2 and 5. 1965, c. 109, s. 10 (2).

**Bribery
and undue
influence
R.S.O. 1960,
s. 249**

38. In the case of an election of trustees in an urban municipality or in a township for which a county, district or township school area board has been established, the provisions of *The Municipal Act* as to bribery and undue influence apply, and, in every case in which an election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1960, c. 330, s. 38; 1966, c. 129, s. 21.

39.—(1) Where an improvement district that does not elect public school trustees is included in a county, district or township school area that includes one or more other municipalities or a part or parts thereof, it shall, subject to subsection 2, for the purposes of the election of trustees and of voting on school matters and for determining representation on the board of the county, district or township school area, be attached to the municipality, all or part of which is included in the area, with which it has the greatest common boundary, and the secretary-treasurer of the improvement district shall, before an election for such trustees is to be held in any year, prepare and send to the clerk of such municipality a list, signed by him and attested by his declaration, of all persons appearing by the then last revised assessment roll to be entitled to vote on public school matters in the improvement district.

(2) Where the improvement district has the same length of boundary with two or more municipalities, it shall, for the purposes of subsection 1, be attached to the municipality having the greatest assessment for public school purposes. 1966, ^{Idem} c. 129, s. 22.

TOWNSHIP SCHOOL AREAS

40.—(1) Subject to subsections 2 to 12 and sections 13 and 14, on and after the 1st day of January, 1965, every township shall be a township school area. ^{All townships to be township school areas}

(2) Every union school section, except a union school section referred to in subsection 10, that is now in existence shall, on and after the 1st day of January, 1965, form part of the township school area in which the school of the union school section is located. ^{Union school sections}

(3) A former union school section that now forms part of a township school area shall continue to form part of the township school area. 1964, c. 95, s. 6, *part*. ^{Former union school sections in township school areas}

(4) The council of a county, by a by-law passed before the 1st day of July in any year, may, ^{Alteration of areas}

- (a) add all or part of a township school area in the county or partly in the county and in one or more adjoining counties to another township school area in the county or in one or more adjoining counties;
- (b) add all of any urban school section, except a city or separated town, or all or part of a union school section in the county or partly in the county and in one or more adjoining counties, except a city or separated town, to a township school area in the county or in one or more adjoining counties,

as recommended by the consultative committee, provided that, if the by-law of the county affects all or part of a municipality that forms part of another county for municipal purposes, or affects a city or separated town, the by-law is not effective unless the council of the other county or the city or separated town, as the case may be, by resolution, consents thereto within ninety days of the passing of the by-law. 1967, c. 82, s. 5 (1).

Inclusion of
city or
separated
town in
township
school area

(4a) The council of a city or separated town in a county, by a by-law passed before the 1st day of July in any year, may attach the city or separated town to an adjoining township school area if, as recommended by the consultative committee or committees of the county or counties in which all or part of the township school area is situate, the council or councils of such county or counties, by resolution, consent thereto within ninety days of the passing of the by-law.

Where
attendance
is less than
100 in any
year

(5) Where the average daily attendance of pupils of the public schools in a school section under the jurisdiction of a board is less than 100 in any year, the inspector shall notify the clerk of the county in which the school section is situate and the secretary of the board affected, and the council of the county shall, by by-law passed before the 1st day of July following notice from the inspector, attach, as recommended by the consultative committee, the school section to an adjoining school section, except a city or separated town, in the county or in an adjoining county if the council of the other county has, by resolution, consented thereto or to an adjoining city or separated town if the council of the city or separated town has, by resolution, consented thereto. 1966, c. 129, s. 23 (1).

Name,
where two
or more
whole
townships

(6) Where the council of a county enlarges a township school area to include all of two or more townships, notwithstanding subsection 4 of section 40c, the by-law may designate the name of the board of the township school area. 1965, c. 109, s. 11 (1), *part*.

Alteration
of areas in
territorial
districts

(6a) In the territorial districts, the council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year,

- (a) add all or part of a school section in territory without municipal organization to the township school area; or
- (b) add all of an urban school section, except a city, or all or any part of a union school section, except a city, to the township school area; or
- (c) detach any portion of the township school area and attach such portion to another township school area or to a union school section,

if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law, in the case of a school section in territory without municipal organization, by the board of the school section and, in other cases, by the councils of the other municipalities concerned. 1965, c. 109, s. 11 (1), *part*; 1966, c. 129, s. 23 (2).

(7) A by-law passed under subsection 4, 5 or 6a comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. 1965, c. 109, s. 11 (1), *part*. Effective date of by-law

(8) Every urban municipality that formed part of a township school area on the 1st day of January, 1964, shall continue to form part of the township school area. Urban municipality in township school area

(9) Every urban municipality that had a population of ^{Idem} under 1,000 according to the municipal census for the year 1963 and every urban municipality that had an average daily attendance in the public schools in the municipality of under 100 resident pupils in the year 1963 shall, on and after the 1st day of January, 1965, form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

(10) Every urban municipality that had a population of ^{Urban municipality in union school section} 1,000 or more according to the municipal census for the year 1963 and an average daily attendance in the public schools in the municipality of 100 or more resident pupils in the year 1963 and that now forms part of a union school section shall continue to form part of the union school section until the union school section is altered under section 45. 1964, c. 95, s. 6, *part*.

(11) Where,

Newly-incor-
porated
muni-
cipalities

(a) a part of a township school area is incorporated as ^{as} a municipality on or after the 1st day of January, 1965, the municipality so incorporated shall continue to form part of the township school area; or

(b) parts of two or more township school areas are incorporated as a municipality on or after the 1st day of January, 1965, the municipality so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary. 1965, c. 109, s. 11 (2).

(12) Where territory without municipal organization is ^{Territory without municipal organization} now part of a school section that is by this section added to a township school area, it shall become part of the township school area that is formed or enlarged by this section.

**Adjustment
of claims**

(13) All rights and claims arising under this section shall be adjusted as provided in section 42.

**Certain
trustees
cease to
hold office
on Dec. 31,
1964**

(14) Where by this section,

- (a) an urban municipality forms part of a township school area; or
- (b) a township school area is formed that does not include an urban municipality or a former township school area or that does not include an urban municipality but includes two or more former township school areas; or
- (c) a township school area is formed by adding to a township school area one or more school sections,

the trustees of the boards of the school sections included in such township school areas cease to hold office on the 31st day of December, 1964, and a new board of trustees for a township school area referred to in clause *a* shall be elected in accordance with section 40b and, for a township school area referred to in clause *b* or *c*, shall be elected in accordance with section 40a.

**First
election
of trustees**

(15) Where a new board of trustees is required to be elected under subsection 14 and, because municipal elections are held biennially in one or more of the municipalities concerned, no provision is made for the election of such trustees, the council of each such municipality shall provide for the election of such trustees, and the trustees elected at such election shall hold office for one year, and thereafter the election of trustees in such municipality shall be held at the regular municipal elections. 1964, c. 95, s. 6, *part*.

**Alteration
of school
areas
continued
by this
section**

**Board of
township
school area
for one
township**

(16) Every township school area that is formed, continued or altered by this section may be altered or dissolved in accordance with this Act. 1967, c. 82, s. 5 (2).

40a.—(1) There shall be a board of five public school trustees for every township school area that includes only the whole of one township or only the whole of one township and a part or parts of one or more other townships where in each part the assessment for public school purposes is less than 10 per cent of the total assessment for public school purposes in the township of which it is a part. 1966, c. 129, s. 24 (1), *part*.

**Where
township
divided
into wards**

(2) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 31, which section applies *mutatis mutandis*. 1964, c. 95, s. 6, *part*.

(3) The election of trustees for a township school area under subsection 1 shall be by ballot in accordance with section 34. 1966, c. 129, s. 24 (1), *part*. Election by ballot

(4) Where a township school area includes only the whole of one township and part or parts of one or more other townships as described in subsection 1, such part or parts shall, for the purposes of the election of trustees and of voting on school matters, be attached, Where part of another township attached for voting purposes

- (a) to the township the whole of which is included in the township school area; or
- (b) where the election is by wards, to the ward of the township the whole of which is included in the township school area with which it has the greatest common boundary,

and the clerk of the township in which such part is situate shall furnish annually to the clerk of the township to which such part is attached a certified copy of the list of voters qualified to vote on public school matters in that part of the township. 1966, c. 129, s. 24 (2).

(5) Of the trustees elected at the first election, the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years, and the two remaining trustees shall hold office for one year. Term of office

(6) After the first election, an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years. Subsequent elections

(7) In case, at the first election of trustees, two or more trustees receive an equal number of votes, or all the trustees are declared elected by acclamation, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and the clerk shall notify the board in writing of his determination, which shall be entered in the minutes of the board. 1964, c. 95, s. 6, *part*. Equality of votes at first election

40b.—(1) The board of a township school area, except a township school area referred to in subsection 1 of section 40a, shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, which subsections apply *mutatis mutandis*, provided that, Board of township school area including more than one municipality R.S.O. 1960, c. 362

- (a) where the number of trustees is fewer than five or more than nine, the Minister, on the request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be elected in each municipality and their terms of office;

- (b) the municipality or municipalities that have more than one-half of the assessment for public school purposes in the township school area, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of clause *a*;
- (ba) where on the 30th day of September in any year the percentage that the resident pupils in a municipality or part thereof in a township school area is of the total enrolment of pupils in the township school area is at least ten percentage points less than the percentage that the population of such municipality or part is of the total population of the township school area, the Minister, on the request of the council of a municipality concerned, may determine the number of trustees to be elected in each municipality at the next and subsequent elections to be held in each municipality, and such determination shall remain in effect until changed by the Minister on the request of a municipality concerned; and
- (c) where a part of a township is included in a township school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, 1966, c. 129, s. 25 (1); 1967, c. 82, s. 6.

NOTE. — Where trustees of the board of a township school area have been elected to hold office for the years 1966 and 1967, subsection 1 of section 40b (above) applies only to the election of trustees of the board to take office in the year 1968 and thereafter. See 1966, c. 129, s. 25 (2).

**Election of
trustees**

(2) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*. 1964, c. 95, s. 6, *part*.

40c.—(1) REPEALED: 1966, c. 129, s. 26 (1).

(2) The trustees of every township school area shall hold office until their successors are elected and a new board is organized. 1964, c. 95, s. 6, *part*.

(3) Every township school area is an enlarged administrative area. 1966, c. 129, s. 26 (2).

(4) Every board of trustees of a township school area that does not include an urban municipality is a corporation by the name of "The Public School Board of the Township School Area of (*insert name of municipality, or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister*)".

**Term of
office of
trustees**

**Enlarged
adminis-
trative area**

**Corporate
name**

(4a) Every board of trustees of a township school area that^{Idem} includes one or more urban municipalities is a corporation by the name of "The (*insert name selected by the board and approved by the Minister*) Area Public School Board"; provided that every such board now in existence shall continue under its present name until changed in accordance with this subsection. 1967, c. 82, s. 7 (1).

(5) Upon the election and organization of a board of public school trustees for a township school area, the board of public school trustees for every school section then in existence in the township school area is dissolved, and all the real and personal property vested in the board of any such school section is vested in and becomes the property of the board of the township school area.

(6) The board of the township school area is responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area.

(7) Where a township school area includes two or more municipalities, the auditor of the municipality that has the greatest equalized assessment shall be the auditor of the township school area books.

(8) All the powers and duties of the board of a school section that becomes part of a township school area are vested in and imposed upon the board of the township school area. 1964, c. 95, s. 6, *part*.

(9) Where a township school area includes part of a township that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, the clerk of the township that includes such part shall furnish to the clerk of the municipality to which such part has been attached under subsection 10 a certified copy of the list of voters qualified to vote on school matters in such part of the township. 1967, c. 82, s. 7 (2).

(10) Each part of a township that is included in a township school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached to the township in which the township school area is formed or, where the township school area includes all or parts of two or more other municipalities, it shall be attached for such purposes, by resolution, by the public school con-

sultative committee of the county in which the township school area or the part of the township school area having the greatest assessment is located, to one of such other municipalities. 1967, c. 82, s. 7 (3).

Township school areas in unorganized territory

41.—(1) An inspector may, before the 1st day of July in any year, with the approval of the Minister and the consent of the boards concerned, form two or more school sections in territory without municipal organization or parts thereof into a township school area and may include any other part of territory without municipal organization therein or decrease or increase the area thereof.

Effective date

(2) The formation of the township school area shall take effect as from the 1st day of January next following the approval of the Minister, but the boards of trustees of the rural school sections shall continue in office until a board for the township school area has been elected and organized as provided by this section.

Constitution of board

(3) There shall be a board of five public school trustees for every such township school area and the board may exercise such powers and perform such duties with respect to the public schools of the area as a board constituted under section 40.

First election

(4) The first meeting of the ratepayers for the election of trustees shall be held at a time and place to be named by the inspector, and shall be conducted as nearly as may be in the same manner as the election of trustees in a rural school section.

Subsequent elections; powers and duties

(5) All subsequent elections of school trustees for the township school area shall be by ballot, and the board of trustees of the area shall exercise all the powers and may perform all duties of a municipal council in relation to the nomination and election of trustees and the assessment and collection of taxes for the township school area.

Incorporation

(6) Every board of trustees of a township school area formed under this section is a corporation by the name of "The Public School Board of the Township School Area of....." (*inserting the name selected by the inspector and approved by the Minister*). R.S.O. 1960, c. 330, s. 41 (1-6).

Application of ss. 40, 40c, 56-61

(7) For the purposes of township school areas formed under this section, and except as to matters provided for in this section, sections 40, 40c and 56 to 61 apply *mutatis mutandis*. R.S.O. 1960, c. 330, s. 41 (7); 1966, c. 129, s. 27; 1967, c. 82, s. 8.

Adjustment of claims

42.—(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united into a township school area or added to or detached from a township school area shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister after his approval of the by-law or by-laws

establishing, altering or dissolving the township school area.
R.S.O. 1960, c. 330, s. 42 (1); 1962-63, c. 117, s. 6.

(2) The Minister and any referee appointed by him have and may exercise such jurisdiction and powers as may be necessary for the purpose of the valuation, adjustment and determination of all or any of such rights and claims.

(3) A referee appointed under this section shall proceed to hear and report to the Minister upon such rights and claims as the Minister may from time to time direct, and he shall submit his report to the Minister within three months of his appointment or within such further time as the Minister may allow, and he shall be paid for his services such fee as the Minister may direct.

(4) Upon the report of the referee being filed with him, the Minister shall consider the report and may hear such representations in respect thereof as he may see fit, and before adopting the report he may refer it back to the referee for his further consideration. R.S.O. 1960, c. 330, s. 42 (2-4).

(5) The Minister may adopt, vary or amend the report and, subject to subsection 5a, his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. R.S.O. 1960, c. 330, s. 42 (5); 1961-62, c. 120, s. 10 (1).

(5a) Where the auditor's annual report for the year in which the by-law establishing, altering or dissolving the township school area was passed reveals a condition that was not evident when the referee made his report, the referee may submit a supplementary report in the manner provided for the original report, and the Minister may adopt, vary or amend the supplementary report, and his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. 1961-62, c. 120, s. 10 (2).

(6) The council of each municipality, all or a portion of which is included in a township school area, shall annually impose and levy such special rates against the rateable property in the municipality, that is within the township school area, as may be directed by the Minister for the purpose of adjusting any rights and claims determined under this section.

(7) For the purpose of evaluating, adjusting and determining all rights and claims,

(a) between parts of a municipality or municipalities and parts of territory without municipal organization formed into a township school area under subsection 12 of section 40; and

(b) between school sections within township school areas formed under section 41,

subsections 1 to 6 apply *mutatis mutandis*. R.S.O. 1960, c. 330, s. 42 (6, 7).

Liability for debenture debt on alteration of boundaries of school section

(8) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the referee appointed to adjust the rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the referee. 1966, c. 129, s. 28.

Treasurers to determine proportion

43.—(1) Where a township school area consists of more than one municipality or parts thereof, section 55 applies *mutatis mutandis*, except that the meeting of the treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the township school area according to the last revised assessment rolls. 1965, c. 109, s. 15 (1).

on formation or alteration

(1a) In any year in which a township school area comprising territory in two or more municipalities is formed or in which its boundaries are altered, the apportionment of the annual requisition shall be determined in the manner provided in section 55. 1961-62, c. 120, s. 11.

Arbitration where treasurers disagree

(2) Where the treasurers disagree, the inspector of the township school area and the treasurers shall be arbitrators to determine the matter. R.S.O. 1960, c. 330, s. 43 (2); 1965, c. 109, s. 15 (2).

Consolidated school section deemed township school area

44. Every consolidated school section heretofore established is a township school area. R.S.O. 1960, c. 330, s. 44.

UNION SCHOOL SECTIONS

Union school sections

45.—(1) A union school section may comprise an urban municipality and part or parts of one or more adjoining township municipalities and shall be deemed to be an urban school section.

In counties

(2) The council of a county may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section that includes an urban municipality, except a city or separated town, as recommended by the public school consultative committee.

Including city or separated town

(3) The council of a city or separated town in a county may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section that includes the

city or separated town and part or parts of one or more adjoining townships if the council of the county in which such part or parts are situate, by resolution, consents thereto within ninety days after the passing of the by-law.

(4) Where a by-law is passed under subsection 2 or 3 forming, altering or dissolving a union school section that includes part or parts of one or more townships in a county adjoining the county, city or separated town that passed the by-law, the by-law shall not be effective unless the council of the adjoining county, by resolution, consents thereto within ninety days after the passing of the by-law. Parts of townships in adjoining counties

(5) In any year, the council of a city in a territorial district or the council of a town or village in a territorial district that had in the preceding year a population of 1,000 or more and the average daily attendance of pupils residing in the town or village was 100 or more in the preceding year may, by by-law passed before the 1st day of July in any year, form, alter or dissolve a union school section, as recommended by the public school consultative committee, if the council of each township, part of which is included in the union school section, by resolution, consents thereto within ninety days after the passing of the by-law. In territorial districts

(6) A by-law passed under subsection 2, 3 or 5 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. Effective date of by-laws

(7) The rights and claims between school sections included in or affected by the formation, alteration or dissolution of a union school section shall be determined in the manner provided with respect to a township school area under subsections 1 to 6 of section 42, which provisions apply *mutatis mutandis*. Adjustment of claims

(8) In the year in which a union school section is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55. 1966, c. 129, s. 29. Apportionment of annual requisition

46. REPEALED: 1966, c. 129, s. 29.

47. The board of trustees of a union school section is a corporation by the name of "The Union Public School Board of (*insert name of urban municipality*)". 1966, c. 129, s. 30. Corporate name of board

48. REPEALED: 1966, c. 129, s. 31.

49. REPEALED: 1966, c. 129, s. 31.

50. REPEALED: 1966, c. 129, s. 31.

List of voters in part of township in union school section

Where electors of part of township in union school section to vote

Application of R.S.O. 1960, c. 249, re assets and liabilities on incorporation or annexation

Disposition of assets and liabilities upon union of municipalities

Maintenance of union school section, apportionment of costs

51. REPEALED: 1966, c. 129, s. 31.

52. REPEALED: 1966, c. 129, s. 31.

53.—(1) The clerk of a township any part of which is included in a union school section shall furnish to the clerk of the urban municipality in the union school section a certified copy of so much of the last revised voters' list of the township as contains the names of persons qualified to vote on public school matters in the part of the township included in the union school section.

(2) Where the urban municipality in a union school section is divided into wards, the part of an adjoining township that is included in the union school section shall, for the purposes of the election of trustees and of voting on school matters, be attached to the ward with which such part has the greatest common boundary unless the board of the union school section by resolution determines in which ward or wards the electors of such part of the township shall vote. 1966, c. 129, s. 32.

54.—(1) Where a school section is located in whole or in part in an area that becomes incorporated or is annexed to or amalgamated with another municipality, the provisions of sections 12 and 14 of *The Municipal Act* apply with respect to the disposition of assets and liabilities. 1961-62, c. 120, s. 13, part.

(2) REPEALED: 1966, c. 129, s. 33.

(3) REPEALED: 1961-62, c. 120, s. 13.

(4) REPEALED: 1966, c. 129, s. 33.

(5) Where urban municipalities become united, all the assets and liabilities of the board of each municipality are vested in and assumed by the board of the united municipality. R.S.O. 1960, c. 330, s. 54 (5).

55.—(1) In union school sections,

(a) where the amount of the assessment for public school purposes of the part of the union school section situate in one municipality has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or

(b) where, since the last apportionment, the sum of the percentage increase of the assessment for public school purposes in the part of the union school section in one municipality and of the percentage decrease of the assessment for public school purposes in the part of the union school section in any other municipality is at least 10,

and in any case,

(c) in each year that is divisible evenly by 5,

the treasurers of the municipalities in which such a union school section is situate shall, before the 1st day of December, meet and determine what portion of the annual requisition made by the board for school purposes shall be levied, commencing in the following year, upon and collected from the taxable property of the public school supporters of the union school section situate in each of the municipalities in which the section lies, provided that, upon the recommendation of at least one-half of the treasurers and with the approval of the Minister, an apportionment may be made in any year. 1965, c. 109, s. 17 (1), *part*; 1966, c. 129, s. 34 (1).

(2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the treasurers at their next meeting shall revise the apportionment. 1965, c. 109, s. 17 (1), *part*.

(3) The meeting of the treasurers shall be called by the treasurer of the urban municipality in the union school section. 1966, c. 129, s. 34 (2).

(4) REPEALED: 1965, c. 109, s. 17 (1).

(5) Notice of the determination shall be given forthwith to the secretary of the board, the clerk of each municipality and the public school inspector. R.S.O. 1960, c. 330, s. 55 (5).

(6) If the treasurers do not reach a decision on or before the 1st day of December, the inspector of the union school section and the treasurers shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December. 1965, c. 109, s. 17 (2), *part*; 1966, c. 129, s. 34 (3).

(7) Where the union school section is composed of parts of two adjoining counties and the treasurers do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union school section is situate shall act with the treasurers as arbitrators. 1965, c. 109, s. 17 (2), *part*.

(8) The decision of a majority of the arbitrators is final until the next apportionment takes effect. R.S.O. 1960, c. 330, s. 55 (8).

(9) The treasurers or, in the case of an arbitration, the arbitrators, on the request in writing of the inspector or of five ratepayers, may, within one month after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed.

Costs

(10) The cost of proceedings under this section, including the fees of treasurers and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1. 1965, c. 109, s. 17 (3).

Levy for transportation costs for secondary school pupils resident in part of school section not in secondary school district

(11) Where a part of a union school section or a county, district or township school area in a municipality is also in a secondary school district, and another part of the union school section or county, district or township school area is in an adjoining municipality that does not form part of a secondary school district, and the secondary school board is furnishing transportation for its resident pupils, the public school board of the union school section or county, district or township school area may furnish transportation for secondary school pupils whose parents or guardians are public school supporters and who reside in the part of the union school section or county, district or township school area that is not in the secondary school district and may require the council of such adjoining municipality to levy the cost of the transportation for the preceding year, less the legislative grant paid thereon, on the taxable property of the public school supporters in that part of the union school section or county, district or township school area. 1966, c. 129, s. 34 (4); 1967, c. 82, s. 9.

SECTIONS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION

Formation of rural school sections in territory without municipal organization

56.—(1) Subject to the approval of the Minister, the inspector may form any part of territory without municipal organization into a rural school section. R.S.O. 1960, c. 330, s. 56 (1); 1966, c. 129, s. 35 (1).

Limits of section, alterations

(2) The school section shall not exceed thirty-six square miles in area and, subject to this restriction, the boundaries may, with the approval of the Minister, be altered by the Inspector from time to time. R.S.O. 1960, c. 330, s. 56 (2).

Liability for debenture debt where land transferred from one section to another

(3) On the petition of the head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, the inspector, if he is of the opinion that it is more convenient for the child to attend the school in the other section, may alter the boundaries of the sections so as to transfer such land from one section to the other, and, where there is a debenture debt for public school purposes in the section from which the land is transferred, the inspector may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the inspector. 1965, c. 109, s. 18 (1).

(4) Any alteration of the boundaries of a school section under this section takes effect on the 1st day of January. Effective date of alterations
R.S.O. 1960, c. 330, s. 56 (4).

(5) After the formation of a school section, the inspector shall cause notices to be posted, for at least six clear days in not fewer than three public places in the section, appointing a time and place for the first meeting of property owners and tenants, who are not separate school supporters, for the election of three trustees for the section, and the inspector may take such additional action to publicize the meeting as he deems expedient. Election of school trustees 1965, c. 109, s. 18 (2).

(5a) A person who is not a British subject is not entitled to vote at an election of trustees or upon any school question in a rural school section. Persons not British subjects not entitled to vote 1966, c. 129, s. 35 (2).

(6) The trustees elected at such meeting or at any subsequent school meeting of the school section have the powers and are subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school. Trustees' powers and obligations

(7) The trustees are a corporation and, where the school section includes part or all of one or more unorganized townships, shall be known as "The Public School Board of School Section No.....of the unorganized Townships ofin the Territorial District(s) of(inserting a number selected by the inspector, the name of the township in which the school site is located, the names of other townships in alphabetical order and the name(s) of district(s))" and, where the school section includes only unsurveyed territory, shall be known as "The Public School Board of.....in the Territorial District(s) of(inserting a name selected by the inspector and the name(s) of the district(s))". Trustees to be corporation, name R.S.O. 1960, c. 330, s. 56 (6, 7).

56a.—(1) At the first election in every new rural school section, the first trustee elected shall hold office for three years, the second for two years, and the third for one year, or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years, the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year. Elections in new rural school sections

(2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected. Determination where equal number of votes

When first year deemed to commence and end

(3) The first year in each case shall be deemed to commence at the date of such first election and extend until the date fixed by section 56b for holding the second annual meeting of ratepayers thereafter. 1966, c. 129, s. 36, *part*.

Annual meeting, in rural school sections, when held

56b.—(1) A meeting of the electors of every rural school section for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the rural school section.

Idem

(2) Where the annual meeting of electors cannot conveniently be held as provided for in subsection 1, the electors, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Meeting to be called in default of first or annual meeting

(3) When any school meeting has not been held on the proper date, the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days notice, to be posted up in at least three of the most public places in the rural school section, and the meeting so called has all the powers and shall perform all the duties of the meeting in the place of which it is called.

Organization of meeting

(4) The electors present at a school meeting shall elect one of their number as chairman and shall appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act.

Chairman, duties of

(5) The chairman shall submit all motions to the meeting in the manner desired by the majority and is entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order, subject to an appeal to the meeting.

Order of business

(6) The business of every school meeting may be conducted in the following order:

1. Receiving and disposing of the annual report of the trustees.

2. Receiving a report from the trustees on the insurance on the buildings and equipment.
3. Receiving and disposing of the last annual report of the municipal auditor.
4. Where the ratepayers have provided for a local audit, receiving and disposing of the report of the local auditors.
5. If deemed necessary, providing for a local audit and the election of a local auditor for the ensuing year.
6. Miscellaneous business.
7. The election of trustees.

(7) Where a special meeting of the electors of a rural school section is called, the meeting shall be held at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock in the afternoon or 8 o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution, at the school-house of the rural school section.

(8) Where a vacancy occurs from any cause in the office of trustee, the remaining trustees shall forthwith hold a new election to fill the vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

(9) If at any time there are no trustees or only one trustee, any two electors of the rural school section, or the inspector, by giving six days notice posted up in at least three public places in the rural school section, may call a meeting of the electors who shall elect three or two trustees, as the case may be, in the manner provided in this section.

(10) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected. 1966, c. 129, s. 36, *part*.

56c.—(1) A poll may be demanded by any two electors at a meeting for the election of trustees or for the settlement of any school question in a rural school section, and the poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman.

Entry in
poll book

(2) Where a poll is granted, the secretary shall enter in a poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

Form of
ballot paper

(3) Ballot papers shall be pieces of plain white paper of uniform size.

Marking
of ballot
paper

(4) A voter shall mark his ballot,

- (a) in the election of a trustee, by marking the name of the trustee thereon; and
- (b) on a question, by marking the word "for" or "against" thereon.

Manner of
voting

(5) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose.

Appoint-
ment of
scrutineer

(6) Every candidate may appoint a person to act as his scrutineer during the election.

Right
to vote
objected to

(7) If objection is made to the right of any person to vote, the chairman, if the name of the person appears on the assessment roll, shall require the person to make the following declaration:

1. I, A.B., declare and affirm that I am an assessed ratepayer in rural school section.....; or that I am the wife or husband of an assessed ratepayer in rural school section.....;
2. That I am of the full age of twenty-one years;
3. That I am a British subject;
4. That I am a supporter of the public school in rural school section; or that I am the wife or husband of a supporter of the public school in rural school section.....;
5. That I have a right to vote at this election (or on the question submitted to this meeting),

and after making such declaration the person making it is entitled to vote.

When poll
shall close

(8) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon.

(9) When the meeting is held in the evening, the electors ^{Polling at evening meeting} may decide, by resolution, that the poll shall be conducted forthwith or at 10 o'clock on the following morning, and, if conducted in the evening, the poll shall close after ten minutes have elapsed without any vote being recorded.

(10) When a poll is closed, the secretary shall count the ^{Counting votes, determination in case of tie} votes and,

- (a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and
- (b) in the case of a tie vote on a question, the vote shall be deemed to be negative.

(11) In the case of an election of trustees, the chairman ^{Declaration of result} shall declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the question adopted or negatived as the majority of votes is in favour of or against the question.

(12) A correct copy of the minutes of every school meeting ^{Copy of minutes and book to inspector} and a copy of the poll book, where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector.

(13) A statement of the result of the vote shall be certified ^{Statement of result of vote} by the chairman and secretary and, in the case of an election of trustees, the statement shall be signed by any scrutineers present at the counting of the ballots, and a copy thereof shall be delivered or mailed to each candidate.

(14) Every person upon receiving notice that he has been ^{Acceptance of office of trustee} elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election.

(15) Where complaint is made to the inspector by an elector ^{Complaints as to elections} that the proceedings for the election of a trustee or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting, and it is not incumbent upon the inspector to set aside such election or any proceeding for want

of formal compliance with this Act if he is satisfied that the result of such election or proceeding has not been affected thereby. 1966, c. 129, s. 36, *part*.

Duties of
secretary of
rural school
section:

calling
special
meetings

names and
addresses of
trustees and
teachers to
be given to
inspector

notice of
annual
meeting
and meet-
ings to fill
vacancies in
board, etc.

report at
annual
meeting

Compensa-
tion of
secretary
who is
also trustee

56d.—(1) It is the duty of the secretary of a rural school section,

- (a) to call a special meeting of the board at the request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the meeting;
- (b) to give notice in writing, before the 15th day of January in each year, to the inspector of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;
- (c) to give the notice required by this Act of each annual meeting of the ratepayers of the rural school section, to call a special meeting of the ratepayers when directed by the board, or, on the request in writing of five electors, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor, or for any other lawful school purpose, and to cause notices of the time and place and of the objects of the meeting to be posted up in three or more public places in the rural school section at least six clear days before the time of holding the meeting; and
- (d) to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending, to be signed by the trustees and by either or both of the auditors of the rural school section, containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during the year and any further information that may be required by the Minister or by the regulations.

(2) Where the secretary of a rural school section is a trustee, the board may pay only such compensation for his services as is approved by the electors at an annual or special meeting of electors. 1966, c. 129, s. 36, *part*.

Local
auditors of
rural schools
R.S.O. 1960,
c. 249

56e.—(1) In addition to the audit required under *The Municipal Act*, the ratepayers of a rural school section at an annual or special meeting held before the 15th day of December may provide for a local audit of the school accounts, and,

when a local audit is provided for, there shall be two auditors, one of whom shall be elected by the ratepayers and the other appointed by the school board before the 15th day of December.

(2) Where an auditor refuses or is unable to act or dies, ^{Filling vacancies} another auditor may be elected or appointed in his place.

(3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures that the auditors or either of them may require.

(5) The auditors, or one of them, shall on or immediately ^{Time of audit} after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the rural school section.

(6) It is the duty of the auditors to examine into and decide ^{Duties of auditors} upon the accuracy of the accounts of the rural school section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting.

(7) Any difference of opinion between the auditors on any ^{Differences between auditors} matter in the accounts shall be decided by the inspector.

(8) If both auditors object to the lawfulness of any expenditure, they shall report the matter to the annual meeting and shall submit such matter to the Minister, whose decision is final.

(9) The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses.

(10) An auditor who has entered upon an audit may complete the audit although he has not done so within the time prescribed by this Act, 1966, c. 129, s. 36, *part*.

57.—(1) The inspector shall divide the school sections ^{Sections to be divided into groups} into groups of three or as near thereto as practicable, and

shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct.

Court of revision

(2) The treasurers of the boards in a group constitute a court for the revision of the school assessment rolls of the sections in the group and for the hearing and determination of any appeals against the same, and the members of the court shall be paid reasonable travelling expenses by their respective boards for their attendance.

When inspector to act as court of revision

(3) Where, from the sparseness of settlements, it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any school section, the inspector, on the request of any board, may assume or may, by writing, appoint some other person to assume the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector or other person appointed by him in the matter are subject to this Act and have the same effect as if made in a court of revision constituted under subsection 2. R.S.O. 1960, c. 330, s. 57.

Court of revision where district assessor

(4) Notwithstanding subsections 2 and 3, where a district assessor is the assessor for a rural school section and a court of revision has been constituted for the rural school section by the Minister of Municipal Affairs, the appeals from assessments under section 58 shall be heard by such court of revision. 1966, c. 129, s. 37.

Annual assessment roll
R.S.O. 1960, c. 23

58.—(1) Subject to section 104 of *The Assessment Act*, the board shall, annually, at their first meeting, and not later than the 1st day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the school section, and the secretary shall submit a certified copy of the roll to the proper court for revision. R.S.O. 1960, c. 330, s. 58 (1); 1966, c. 129, s. 38 (1).

Appointment of assessor for new section

(2) Where a new school section is formed after the 1st day of March in any year, the appointment of an assessor shall be made as soon after its formation as possible. R.S.O. 1960, c. 330, s. 58 (2).

Notice of assessment

(3) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his residence or place of business or by mailing it addressed to him at his residence or place of business, or, if a non-resident, by mailing the notice to his last known address, or, if his address is unknown, by posting up the notice in the post office nearest to the land assessed. 1966, c. 129, s. 38 (2).

Assessor to make oath
R.S.O. 1960, c. 23

(4) The assessor is subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable

property in the section, and shall, before returning his assessment roll to the secretary of the board; attach thereto a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*.

(5) The assessor shall return the assessment roll to the ^{Return of roll} secretary not later than the 30th day of September of the year in which the assessment is made.

(6) Where in any year it appears to a school board that ^{Extension of time for return of roll} the assessment roll will not be returned on the 30th day of September, the board may, by resolution passed with the approval of the Minister, extend the time for the return of that assessment roll for such period not exceeding sixty days subsequent to the 30th day of September as appears necessary, and when such a resolution is passed the time for closing the court of revision for that year is thereby extended for a period corresponding to that for which the time for the return of the assessment roll is extended.

(7) A copy of the roll so certified shall be open to inspection ^{Appeal against assessment} by all persons interested at some convenient place in the school section, notice whereof signed by the secretary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment. R.S.O. 1960, c. 330, s. 58 (4-7).

(8) The notice shall be posted up for at least three weeks ^{Posting up notice} before the time appointed for hearing the appeals, and shall be mailed to the last known addresses of non-resident rate-payers. R.S.O. 1960, c. 330, s. 58 (8); 1966, c. 129, s. 38 (3).

(9) Subject to subsections 10 and 11, all appeals and the ^{Manner of appeal} proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision from municipal assessments, and the court of revision has the same powers as municipal courts of revision. R.S.O. 1960, c. 330, s. 58 (9).

(10) The notice of appeal shall be given to the secretary ^{Notice of appeal} within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the roll is not returned within the time fixed for that purpose.

(11) The court may appoint a competent person to be its ^{Court clerk} clerk for each school section or for all the school sections, but, where a district assessor is the assessor for a rural school section, the secretary of the school section or some person designated by him shall be the clerk of the court, and the clerk shall keep in a book a record of the proceedings and decisions of the court, which shall be certified by the chairman of the court. 1966, c. 129, s. 38 (4).

**School
BENEFITS**

(12) The assessor, when making his assessment, shall enter in a book to be provided by the board the name, age and residence of every child between the ages of five and twenty-one years resident in the section and the name and residence of such child's parents or guardian, and shall, with the assessment roll, return the book to the secretary, and the secretary shall include a copy of the particulars entered in the book in his annual report to the inspector.

Appeals

(13) An appeal to the district judge lies at the instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to such court but also against any omission, neglect or refusal of such court to hear or decide an appeal, and an appeal lies to the Ontario Municipal Board from a decision of the district judge, and sections 75 to 80 and 82 to 90 of *The Assessment Act* apply *mutatis mutandis* to every such appeal.

**R.S.O. 1960,
c. 23****Expenses
of judge**

(14) The district judge is entitled to receive from the board as his expenses for holding court for the purpose of hearing appeals from the court of revision under this section, except where court is held in the district town, the same sums as he is allowed for holding courts for revising voters' lists.

**Confirmed
roll binding**

(15) Subject to subsection 13, the roll, as finally passed and signed by the chairman of the court of revision, is binding upon the trustees and ratepayers of the school section until the roll for the succeeding year is passed and signed as aforesaid. R.S.O. 1960, c. 330, s. 58 (12-15).

**Powers of
board re
levying of
rates, etc.**

58a.—(1) The board of a school section that comprises only territory without municipal organization shall exercise for the territory included in the section the powers and duties of a municipal council with respect to preparing estimates of the sums required during the year, levying rates, collecting taxes and issuing debentures, for public school purposes.

**Powers of
tax collector**

(2) The tax collector appointed by the board for the territory without municipal organization has the same powers as a tax collector in a municipality. 1961-62, c. 120, s. 14, *part*.

**Rates for
first year
levied on
current
assessment**

58b. In the first year in which territory without municipal organization is included in a school section, the rates for that year shall be levied on the assessment made in that year. 1961-62, c. 120, s. 14, *part*.

**Assessment
of part of
unorganized
territory in
a school
section that
includes an
organized
municipality**

59.—(1) Where any part of territory without municipal organization forms part of a school section that includes part or all of one or more organized municipalities, such part of the territory without municipal organization shall for public school

purposes be deemed to be annexed to the organized municipality that has the greatest assessment for public school purposes in the school section, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the territory without municipal organization forming part of the school section as with respect to any part of the school section that lies within the organized municipality. R.S.O. 1960, c. 330, s. 59 (1).

(2) The council of the organized municipality in preparing the estimates of the sums required to be raised by assessment and taxes under this section with respect to the part of territory without municipal organization that forms part of such a school section shall,

- (a) make allowance for the abatement of and discount on taxes, for uncollectable taxes and for taxes that it is estimated will not be collected during the year in such part of the territory without municipal organization;
- (b) include the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes having regard to the ratio that the assessment in that part of the territory without municipal organization bears to the total assessment of the union section; and
- (c) include the cost of providing polling places in such territory. R.S.O. 1960, c. 330, s. 59 (2); 1967, c. 82, s. 10.

60.—(1) In territory without municipal organization, the board of a school section may issue debentures for permanent improvements for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided in *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section. R.S.O. 1960, c. 330, s. 60 (1); 1961-62, c. 120, s. 15.

(2) The debentures shall be signed by the trustees and sealed with the corporate seal of the board, and are a charge upon the taxable property of the public school supporters of the section. R.S.O. 1960, c. 330, s. 60 (2).

61.—(1) The board of a school section may appoint some competent person, who may be a member thereof, to collect the rates imposed by them upon the ratepayers of the section, or

Estimates to include expenses of collection, etc., and allowances to be made

Issuing debentures for permanent improvements

R.S.O. 1960, c. 249

Signing and sealing debentures

Appointment and duties of school collector

the sums that the inhabitants or others may have subscribed, and may pay the collector at the rate of not more than 10 per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the inspector. R.S.O. 1960, c. 330, s. 61 (1); 1960-61, c. 82, s. 6.

Powers and
liabilities of
school
collector

R.S.O. 1960,
c. 23

Return of
arrears of
taxes in un-
organized
territory

Entry in
sheriff's
book

Payments
of arrears
thereafter

When
arrears to
be paid to
sheriff

Sale of land
for arrears

(2) A collector has the same powers in collecting the school rate or subscriptions, and is under the same liabilities and obligations and shall proceed in the same manner in the school section, as a township collector in collecting rates in a township as provided in *The Assessment Act*.

(3) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return with the year for which the rates so in arrear were imposed.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

(6) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. R.S.O. 1960, c. 330, s. 61 (2-7).

(8) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a school section, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board. 1962-63, c. 117, s. 8.

62. REPEALED: 1967, c. 82, s. 11.

62a.—(1) When, in a school term, the number of public school pupils of compulsory school age residing in a school section in territory without municipal organization is fewer than ten and the board has ceased to operate a school, the inspector may, with the approval of the Minister, declare that the school section is inactive as of the last day of that school term.

(2) When a school section in territory without municipal organization is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited and forward to the Minister the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund for safekeeping.

(3) If the Minister is satisfied that the board has carried out its duties under subsection 2, he shall dissolve the board.

(4) The records of the inactive school section shall be filed in the office of the school inspector and, for the purposes of this Act, the pupils resident in the inactive school section shall be deemed not to reside in a school section.

(5) Where ten or more children of compulsory school age, whose parents or guardians are not separate school supporters, reside in an inactive school section in territory without municipal organization for a school term, the inspector may, with the approval of the Minister, declare the school section to be active.

(6) After the inspector has declared the school section to be active, three school trustees shall be elected in accordance with section 56, and the trustees shall provide for the education of the pupils commencing in the following school term, and any funds that were deposited in the Consolidated Revenue Fund for safekeeping on behalf of the school section shall be returned to the board. 1962-63, c. 117, s. 9.

BORROWING POWERS

**Debentures
for per-
manent
improve-
ments**

63.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by an urban board or a county, district or township school area board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein. R.S.O. 1960, c. 330, s. 63 (1); 1966, c. 129, s. 39 (1).

Application

(2) The application shall be made to the council or councils having jurisdiction in the area for which the board making the application was established, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid.

**Council to
deal with
application**

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

**Issue of
debentures**

(4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided in *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures or in a township school area a municipality other than the one in which the school is situated or is to be situated may raise the sum required by the issue of debentures.

R.S.O. 1960,
c. 249

**Submission
of applica-
tion to vote
of electors**

(5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the area for which the board was established, who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of public schools under the jurisdiction of the board, in the manner provided in *The Municipal Act* in the case of a money by-law.

R.S.O. 1960,
c. 249

**When vote
to be held**

(6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days after the receipt of the request from the board.

**When vote
favourable**

(7) If a majority of the votes cast throughout the area for which the board was established is in favour of the applica-

tion, the sum required to be raised by the issue of debentures shall be raised as provided in subsection 4, but without submitting the by-law to the electors.

(8) The council or councils having jurisdiction in the area ^{Assent of electors not required} for which the board was established or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

(9) A debenture may be for such term of years, not exceed-^{Terms of debentures} ing thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, without such request, make the debenture debt payable by annual or other instalments in the manner provided in *The Municipal Act*.

(10) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsections 4, 5 and 8.

(11) The debentures and the money to be raised annually ^{Chargeable only on property of public school supporters} for payment thereof are chargeable only upon the property of ratepayers who are supporters of public schools under the jurisdiction of the board that requested the issue of debentures. R.S.O. 1960, c. 330, s. 63 (2-11).

(12) Where a municipality or county has raised money for ^{Payments to boards} the purposes of a board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require. R.S.O. 1960, c. 330, s. 63 (12); 1966, c. 129, s. 39 (2).

(13) The corporation of each other municipality, all or part ^{Municipality forming part of school section to pay its proportion} of which forms part of the school section, shall, on the requisition of the clerk of the municipality that issued the debentures, pay its share of the loan, including interest as it becomes due, according to its liability as determined under section 55. 1966, c. 129, s. 39 (3).

63a.—(1) Where in a county school area an application made under subsection 2 of section 63 has been approved under subsection 4 thereof or a majority of the votes is in favour of the application under subsection 7 thereof, and the councils of a majority of the municipalities which or part of which are included in the area by resolution request the council of the county in which the school is or is to be situated to raise the entire sum required by the issue of its debentures, such county council may without the assent of the electors issue the

R.S.O. 1960,
cc. 249, 362

debentures in the manner provided by *The Municipal Act*, and the provisions of section 35 of *The Secondary Schools and Boards of Education Act* apply *mutatis mutandis*, except that, if such debentures are issued by the county, each municipality shall pay its proportion to the county.

Consideration by
county
council

(2) The county council shall consider the request at its next meeting following the receipt thereof, and, if the county council refuses the request or neglects to make a decision at such meeting, the provisions of section 63 apply.

Where
county must
comply

(3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the county school area comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situated, the council of the county shall issue the debentures. 1966, c. 129, s. 40.

64. REPEALED: 1967, c. 82, s. 12.

65. REPEALED: 1966, c. 129, s. 41.

66. REPEALED: 1965, c. 109, s. 19.

Rural school
board may
borrow
surplus
moneys

67. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for the purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys of the corporation or in the Ontario Municipalities Fund for such term and at such rate of interest as may be set forth in the resolution for the purpose of any permanent improvement, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. R.S.O. 1960, c. 330, s. 67.

Cost of
borrowing
advance to
board
before
sale of
debenture

68.—(1) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser. R.S.O. 1960, c. 330, s. 68.

Expenses re
issuing
debenture

(2) Where debentures are issued by a municipality on behalf of a school board, the expenses of preparing and publishing any by-law or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the

sale of the debentures or from any school rates collected by the municipal council for the board. 1962-63, c. 117, s. 11.

RATES

69.—(1) The council of each municipality shall levy and collect upon the taxable property of the public school supporters of each school section or part of a school section within the municipality, in the manner provided in this Act and in *The Municipal Act* and *The Assessment Act*, such sums as may be required by the board or boards of such school section or sections for school purposes, and shall pay them to the treasurer or treasurers of the board or boards from time to time as may be required by the board or boards.

(2) The sums payable by a municipality to the board of a school section are payable out of moneys raised upon the taxable property of the public school supporters in the school section or the part thereof lying within the municipality. 1966, c. 129, s. 42.

(3) The council of each municipality shall annually account for all moneys collected for public school purposes, and the sum required by the board of the school section for school purposes shall be paid over to the board not later than the 15th day of December, and any sum collected in excess of the sum required by the board for school purposes shall be retained by the municipality and applied to reduce the sum that the municipality is required by such board to raise for school purposes in the following year. 1967, c. 82, s. 13.

NOTE.—Subsection 3 above shall be deemed to have come into force on the 1st day of January, 1967. See 1967, c. 82, s. 15 (2).

70. REPEALED: 1966, c. 129, s. 43.

71.—(1) In addition to any sums that the council of a municipality may be bound to levy and collect under any section of this Act, the council of any municipality may make grants as it may deem expedient for the purposes of public schools within the municipality, and may assess, levy and collect the sums required to pay the grants by general rate upon all taxable property of public school supporters in the municipality.

(2) The purposes for which the rate mentioned in subsection 1 may be raised include, but are not limited to, the establishment and maintenance of school corporations, aiding new or weak schools or continuation schools or fifth classes in the municipality, or the supplementing of teachers' salaries or retiring allowances. R.S.O. 1960, c. 330, s. 71.

Correction
of errors in
collection
of rates in
previous
years

72. Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. R.S.O. 1960, c. 330, s. 72.

School rate
where no
public school
in
municipality

73. Where in a municipality a person is entered on the assessment roll as a public school supporter and there is no public school board to which public school rates, if levied in any year on the taxable property of such person in the municipality, may be paid, there shall be levied and collected annually on the taxable property of such person in the municipality a rate equal to 50 per cent of the rate to be levied in that year for general municipal purposes in the municipality. 1960-61, c. 82, s. 7.

Reserve
fund for
public
school
purposes

73a.—(1) The moneys raised under section 73 and any surplus moneys from the Ontario Municipalities Fund or from any other source for public school purposes held by a municipality shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve fund.

R.S.O. 1960,
c. 408

Application
of fund

(2) The council of the municipality, with the approval of the Ontario Municipal Board, may apply part or all of the reserve fund to aid one or more public school boards having jurisdiction in the municipality. 1960-61, c. 82, s. 8.

POWERS AND DUTIES OF BOARDS

Duties of
boards:
operate
schools
R.S.O. 1960,
c. 361, 94

submit
estimates

74.—(1) A public school board shall,

(a) operate schools under its charge in accordance with the provisions of this Act, *The Schools Administration Act*, *The Department of Education Act* and the regulations thereunder;

(b) prepare and submit to the council of each municipality, all or part of which is included in the school section in which the board has jurisdiction, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,

(i) shall set forth the estimated revenues and expenditures of the board,

(ii) shall make due allowance for a surplus of any previous year that will be available during the current year,

- (iii) shall provide for a deficit of any previous year,
- (iv) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the taxable property of public school supporters in the school section according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements,
R.S.O. 1960,
c. 361
- (v) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or is more than 20 per cent of such expenditures, no further sum shall be provided;
- (c) keep open each school during the whole period of the school
open school year, except where it is otherwise provided by this Act;
- (d) provide and pay,
 - (i) the salaries of employees of the board,
 - (ii) repairs to buildings,
 - (iii) furnishings,
 - (iv) fuel,
 - (v) light,
 - (vi) stationery,
 - (vii) equipment,
 - (viii) insurance,
 - (ix) travelling expenses of trustees and officers of the board, and
 - (x) miscellaneous expenses incurred under the authority of the board. R.S.O. 1960, c. 330, s. 74 (1); 1965, c. 109, s. 20; 1967, c. 82, s. 14 (1).provide
and pay

Powers of
board:

hold
property

sell
property

kindergartens,
etc.

blind and
deaf

agriculture

school
fairs

exempt

surgical
treatment

Duties of
rural board:

(2) A public school board may,

- (a) take possession of all property acquired or given for public school purposes and hold it according to the terms on which it was acquired or given;
- (b) dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause, and convey the same under the corporate seal of the board, and apply the proceeds thereof for school purposes or as directed by this Act;
- (c) establish,
 - (i) kindergartens,
 - (ii) classes in industrial arts training and household economics,
 - (iii) school gardens, and
 - (iv) auxiliary and academic-vocational classrooms;
- (d) in municipalities of 100,000 population and over, provide, subject to the approval of the Minister, special classes for the instruction of the blind or deaf children residing within the municipality;
- (e) provide and pay for such equipment as may be necessary for the teaching of agriculture;
- (f) contribute toward the support of rural school fairs;
- (g) exempt any indigent person from the payment of school taxes or fees, in whole or in part, in which case it shall notify the clerk of the municipality of such exemption on or before the 1st day of August;
- (h) provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and, where a school nurse and medical inspector are employed, of the nurse and medical inspector, the defect interferes with the proper education of the child, and include in the estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parents or guardian of the child; R.S.O. 1960, c. 330, s. 74 (2); 1962-63, c. 117, s. 12; 1964, c. 95, s. 9 (1); 1967, c. 82, s. 14 (2).

(3) A public school board of a rural school section shall,

- (a) at the first meeting of the board, examine the school-^{examine property} house, outbuildings, school furniture, maps and apparatus, with a view to ascertaining what repairs or improvements may be necessary;
- (b) make suitable provisions for heating the schoolhouse ^{custodian} and keeping the schoolhouse and premises in a clean and sanitary condition; and
- (c) ascertain and report to the Minister at least once ^{blind and deaf} in each year the names and ages of all children of school age who are blind or who are deaf and who would otherwise be required to attend the school under its charge. R.S.O. 1960, c. 330, s. 74 (3); 1964, c. 95, s. 9 (2); 1966, c. 129, s. 44.

75. REPEALED: 1964, c. 95, s. 10.

76.—(1) Where a by-law providing for the formation, ^{Board of arbitration} alteration or dissolution of a school section requires the consent of a board or of the council of a municipality or county to be effective and the board or council neglects or refuses to pass a resolution consenting to such by-law, the council of the municipality or county that passed the by-law may, within twenty days after the time for passing such resolution has expired, submit the matter to a board of arbitration consisting of the judge of the county that passed the by-law or the judge of the county or territorial district in which the municipality that passed the by-law is situate, or some person named by him, and one representative appointed by the council of the municipality or county that passed the by-law and one appointed by each board or council that is required to consent to the by-law, and the board of arbitration shall determine whether or not such by-law should be approved, and, if the decision of a majority of the arbitrators approves the by-law, the resolution or resolutions that are required to be passed for the by-law to be effective shall be deemed to have been passed.

(2) The council of the municipality or county may submit ^{Notice of arbitration} the matter to arbitration by giving notice thereof to the inspector, to the judge and to each board, municipality and county that is required to consent to the by-law in question.

(3) Upon receipt of the notice submitting a matter to ^{Appointment of arbitrators} arbitration,

- (a) the judge shall notify the inspector of his willingness to act as arbitrator or he shall appoint some person to act in his stead and shall notify the inspector of such appointment; and

(b) the board or the council of the municipality or county shall, at its first meeting after receiving the notice, appoint an arbitrator and forthwith notify the inspector of such appointment.

First meeting, chairman

(4) When the board of arbitration is complete, the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

Who may be arbitrator

(5) No person shall be appointed as an arbitrator who is a member of the council that passed the by-law or who is a member of a board or council that is required to consent to the by-law. 1966, c. 129, s. 45, *part*.

Approval of by-laws forming or altering school areas

77. A by-law to form or alter a county, district or township school area shall not be approved by the Minister within the period from the 15th day of October to and including the 31st day of December of the year in which the by-law is passed. 1966, c. 129, s. 45, *part*.

Proceedings not invalid unless substantial injustice

78.—(1) No proceeding with respect to the formation, alteration or dissolution of a school section and no arbitration or award with respect to any matter that by this Act may be determined by arbitration is invalid or shall be set aside because of failure to comply with the provisions of this Act applicable to the proceeding, arbitration or award, unless, in the opinion of the tribunal before which the proceeding, arbitration or award is called in question, the proceeding, arbitration or award, if allowed to stand, would cause substantial injustice to be done to any person affected thereby.

Questions to be determined by judge of county or district court

(2) If any question arises touching the validity of any proceeding with respect to the formation, alteration or dissolution of a school section or touching any by-law, arbitration or award with respect to any of such matters, the question shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which the school section or some part thereof is situate.

Appeals where judge is arbitrator

(3) Where the question touches an arbitration or award to which the judge has been a party, such application shall be heard and determined by the judge of the county or district court of the adjoining county or district that has the greatest population according to the last federal census. 1966, c. 129, s. 45, *part*.

79. REPEALED: 1966, c. 129, s. 46.

80.—(1) A public school board may provide for the admission of pupils of the section to the public schools of any other school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the board of such other school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation that the board is required by this Act to make for the pupils of the section. R.S.O. 1960, c. 330, s. 80 (1); 1964, c. 95, s. 12.

(2) Where a public school board has arranged under subsection 1 for the admission of all the pupils of the school section to the public schools of another school section, the board may close the schools of the section for the period during which such arrangement is in effect.

(3) Where in any school section there are for two consecutive years less than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of the section shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs.

(4) The board may levy and collect upon the taxable property of the section such further sum as may be necessary to pay the fees of pupils attending the schools of another school section or Indian schools and to pay for the conveyance of the pupils to and from such schools as well as such other sums as the board may deem expedient or as may be required by the Act. R.S.O. 1960, c. 330, s. 80 (2-4).

81. A by-law of a municipality or county for forming, altering or dissolving a school section and an award made by arbitrators in relation thereto are valid and binding, notwithstanding any defect in substance or form or in the manner or time of passing or making, unless an application to quash the by-law or to set aside the award has been made within one month after the clerk of the municipality or county has received notice from the Minister that he has approved the by-law. 1966, c. 129, s. 47.

82. No by-law of a municipal council passed after the 14th day of April, 1892, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt the property from school rates of any kind. R.S.O. 1960, c. 330, s. 82.

83. The clerk of every municipality shall furnish to each board and inspector having jurisdiction in the municipality or any part thereof such information as may be requested with

respect to population and the assessment and collector's roll, and the cost of preparing a statement including such information shall be paid by the board that requested it. 1966, c. 129, s. 48.

INDEX

	SECTION		SECTION
Accommodation			
• pupils, of.....	6, 80 (1)		
Accounts			
• rates collected by councils.....	69 (3)		
Actions			
• setting aside awards.....	78		
Adjustment of claims			
• township areas, re.....	42		
• union sections, re.....	45 (7)		
Admission			
• fee, without.....	6 (13)		
• pupils, to Indian schools.....	80 (1)		
Agreement			
• additional accommodation, re.....	6(a)		
Agriculture			
• equipment for teaching of.....	74 (2) (e)		
Alterations			
• rural sections, of.....	56 (2) (4)		
• township school areas, of.....	40		
• union section, of.....	45		
Annexation			
• disposition of assets, etc., on.....	54 (1)		
Annual meetings			
• electors, of.....	56b		
• ratepayers of rural sections.....	56b		
Appeals			
• assessment in unorganized territory, from.....	58 (7-15)		
• assenting resolution, failure to pass.....	76		
• validity of school or union sections, re.....	78		
Application			
• rural school board, by, for debentures.....	65		
• county, district and township school area, re, for debentures.....	63, 63a		
• urban board, by, for debentures.....	63		
Application of Act			
• regulations re	2		
• separate schools, to.....	3		
• township school areas in unorganized territory, to.....	41 (7)		
Appointments			
• assessors for section in unorganized territory.....	58 (1)		
• auditor of rural section, of.....	56e		
• collector re unorganized territory.....	61 (1)		
• scrutineer, of, re voting in a rural section.....	56c (6)		
• trustees, of, re vacancy.....	35 (4)		
Apportionment			
• union school sections, costs in.....	55 (1)		
Arbitrators			
• judge as, re appeals.....	78 (2) (3)		
• maintenance of schools in township school areas, re.....	43 (2)		
Arbitrators—<i>Con.</i>			
• maintenance of union schools, re.....	55 (6-10)		
• sites of rural schools, re.....	10 (2-4)		
• union school section, re.....	55 (6)		
• appeals re.....	5 (8) (9)		
Arrears			
• taxes in unorganized territory, of.....	61 (3)		
Assembly			
• members as school visitors.....	8		
Assessment—<i>See also Rates</i>			
• information re	83		
• property in different sections.....	11 (1)		
• equalization of.....	55		
• unorganized territory sections, re.....	58, 59		
Assessment Act			
• application to appeals.....	58 (13)		
• assessors subject to.....	58 (4)		
• rates collected under • local municipality, in.....	69 (1)		
• unorganized territory, in.....	61 (2)		
Assessors			
• maintenance of township and union schools, re.....	43, 55		
• new section in unorganized territory, for.....	58 (2)		
Attendance			
• kindergarten, at.....	5 (4-6)		
• rights of pupils re.....	5		
Audit			
• accounts, in, rural sections.....	56e		
Auditors			
• rural sections, for.....			
• appointment of.....	56e (2) (3)		
• differences between.....	56e (7)		
• duties of.....	56e (6)		
• election of.....	56e (1)		
• information to.....	56e (4)		
• objections of.....	56e (8)		
• powers of.....	56e (9)		
• time limit for audit.....	56e (10)		
• time of audit.....	56e (5)		
Awards			
• actions to set aside.....	78		
• cancellation of.....			
• school section, re.....	78		
• union schools, re.....	55 (6) (8)		
• confirmation of.....			
• maintenance of union schools, re.....	55		
• reconsideration of, re union schools.....	55 (9)		
• time for making.....	81 (3)		
• union school section, re.....	55 (6) (8)		
Ballots			
• election of school trustees by.....	34		
• procedure re.....	56c		
Beginners class			
• provision for.....	5 (7)		

SECTION	SECTION
Blind pupils	
• report re.....	74 (3) (c)
• special classes for.....	74 (2) (d)
Board—See also Trustees	
• application for debentures by.....	63
• assets and liabilities, disposition of, on annexation.....	54 (1)
• constitution of, for	
• • county school area.....	13 (11)
• • district school area.....	14 (12)
• • rural school section.....	56a
• township school area.....	40a (1), 40b (1)
• union school section.....	29, 30
• urban school section.....	29, 30
corporate name of	
• county school area, for.....	13 (13)
• district school area, for.....	14 (14)
• rural school section, for.....	56 (7)
• township school area, for.....	40c (4), 41 (6)
• union school section, for.....	47
• urban sections, for.....	27 (1)
corporation not to cease for want of trustees.....	20
costs of advances to.....	68 (1)
defined.....	1 (a)
disposal of lands by.....	9 (2)
duties of.....	74
municipal clerk not eligible for.....	18 (2) (b)
payments by.....	74 (1) (d)
powers of, generally.....	74
unorganized territory	
• debentures, issue of.....	60 (1)
• rates.....	58a, 58b
urban schools, for.....	29, 30
vacancies on.....	35
vesting of property in.....	9 (1)
Books—See also Poll book	
• sheriff, re arrears of taxes.....	61 (4)
Borrowing powers	
• county school areas, in.....	63, 63a
• district school areas, in.....	63
• rural sections, in.....	58a (1), 60
• surplus moneys, of, by rural school board.....	67
• township school areas, in.....	63
• urban municipalities, in.....	63
Boundaries	
• alteration of	
• • county school areas, re.....	13 (6a)
• • district school areas, re.....	14 (8)
• • rural school sections, re.....	56 (2) (4)
• • township school areas, re.....	40 (4) (6a)
• • union school sections, re.....	45 (2-5)
Bribery	
• election of trustees, re.....	38
By-laws	
• effective date of	
• • county school areas, re.....	13 (8)
• • district school areas, re.....	14 (9)
By-laws—Con.	
• • rural school sections, re.....	56 (2) (4)
• • township school areas, re.....	40 (7)
• • union school sections, re.....	45 (6)
time for passing	
• • county school areas, re.....	13 (7)
• • district school areas, re.....	14 (8)
• • rural school sections, re.....	56 (3)
• • township school areas, re.....	40 (4) (6a)
• • union school sections, re.....	45 (2) (3)
transmission of	17
borrowing powers, re.....	63
confirmation of	81
exemptions from taxation, re.....	82
minister, restriction of approval, re.....	77
validity of.....	81
Casting vote—See also Votes	
• rural elections, in.....	56c (10)
Census	
• annual, return of.....	83 (2)
• school children in unorganized territory, of.....	58 (12)
Chairman	
• electors meeting, of.....	56b (4) (5)
Children	
• rights of persons having charge of.....	6 (9)
Claims	
• adjustment of	
• • township school areas, re.....	42
• • union school sections, re.....	45 (7)
Clergymen	
• school visitors, as.....	8 (1)
Clerk	
• municipality, of	
• • ineligible for board.....	18 (2) (b)
• township, of	
• • providing information.....	83
Closing school	
• section, in.....	80 (2,3)
Collector	
• unorganized territory, for.....	61
Committee	
• ability to profit by instruction determined by.....	5 (2)
Compensation	
• secretary of rural section, of.....	56d (2)
Complaints	
• election of trustee, re.....	56c (15)
• investigation by judge.....	37
Consolidated school sections	
• township school areas, existing, become.....	44
Consultative committees	
• county, for.....	13 (1-5)
• territorial district, in.....	14 (1-6)

SECTION	SECTION
Controverted elections	
• investigation of.....	37, 38
Corporation	
• county school area board as.....13 (13)	
• district school area board as.....14 (14)	
• rural school board as.....56 (7)	
• township school board as.....40c (4), 41 (6)	
• union school board as.....47	
• urban board as.....27 (1)	
Costs	
• maintenance of union schools.....55 (1)	
County council	
• debentures, issued of, by....63 (12), 63a	
County school area	
• alteration of.....13 (6a), 77	
• board of.....13 (11)	
• city or separated town, in.....13 (7a)	
• debentures, re.....63 (1)	
• enlarged administrative area, as 13 (14)	
• establishment of.....13 (6), 77	
• . adjustment of claims on.....13 (15)	
• . consenting resolution, re.....13 (7)	
• . municipalities in adjoining counties.....13 (7)	
• . school sections in, dissolved.....13 (9) (10)	
County school area board	
• borrowing powers, of.....63 (1)	
• election of trustees.....13 (11-12b)	
• name of.....13 (13)	
Court of revision	
• district assessor, where appointed.....57 (4)	
• unorganized territory, in.....57 (2)	
Crown land	
• granted for school purposes.....9 (2)	
• public school on.....12	
Custody	
• school property, of.....74 (2) (a)	
Deaf pupils	
• report re.....74 (3) (c)	
• special classes for.....74 (2) (d)	
Debentures	
• county council, issue of, by.....63 (12), 63a	
• expenses re issuing.....68 (2)	
• liability for, when section altered.....42 (8)	
• township council, of	
• . rural schools, re.....58a (1), 60	
• township school areas, for.....63	
• unorganized territory, re.....58a, 60	
• urban municipalities, by.....63	
Declaration	
• results of election of trustees....56c (11)	
• voter, by.....56c (7)	
Definitions	1
• see also <i>Schools Administration</i>	
<i>Act, s. 1</i>	
District school area	
• board of.....14 (12)	
• debentures, issues of, re.....63 (1)	
• elections, controverted, in.....37	
• enlarged administrative area, as.....14 (15)	
• enlargement of.....14 (8) (77)	
• establishment of.....14 (7) (9)	
• . adjustment of claims in.....14 (16)	
• . approvals of by-law re.....14 (9)	
• parts need not be adjoining.....11 (2)	
• school sections in, dissolved.....14 (11)	
District school area board	
• election of trustees.....14 (12) (12a)	
• name of.....14 (14)	
Disputes	
• maintenance of township schools, re.....43 (2)	
• maintenance of union schools, re.....55 (6) (8)	
Dissolution	
• union school section, of.....45 (2-5), 77	
Districts	
• appeals from township council in.....76	
• judge, jurisdiction of.....78 (3)	
• union school sections in.....45 (5)	
Duties	
• auditors of rural sections, of.....56e	
• boards, of.....74	
• collectors, of.....61 (1-5)	
• secretaries, of, in rural sections.....56d	
Effective date	
• township school area, formation of.....41 (2)	
• union section, formation of....45 (6), 77	
Elections—See also Votes	
• auditors of rural sections, of.....56e	
• bribery, undue influences, re.....38	
• complaints re.....37, 38	
• general vote, by.....29	
• rural school boards, of.....56a, 56c	
• tie vote.....56a (2), 56c (10)	
• township school area boards for one township, of.....40a (3)	
• township school area boards for more than one municipality, of.....40b (2)	
• township school area boards in unorganized territory, of.....41 (4,5)	
• trustees in improvement districts, of.....39	
• trustees in unorganized territory, of.....56 (5) (6), 56a, 56b (8-10)	
• union school boards, of.....53	
• . general vote, by.....29	
• . municipalities not divided into wards, in.....29	
• . newly incorporated towns, villages, in.....28	
• . procedure re.....34	

	SECTION		SECTION
Elections—Con.		Household economics	
• . wards, by.....	30, 31	• classes for.....	74 (2) (c)
• . when vacancies exist.....	35		
• urban school boards, of			
• . who may be elected.....	18	• trustee, of, disqualified as	
• . who may vote.....	33	member of same	
board.....		board.....	18 (2) (c)
Electors—See also Voters		Improvement District	
• defined.....	1 (b)	• election of trustees in.....	39
• meetings of.....	56b		
Enlarged Administrative Area		Indian schools	
• county school area is.....	13 (14)	• pupils of other sections at.....	80 (1,4)
• district school area is.....	14 (15)		
• township school area is.....	40c (3)		
Estimates		Indigents	
• school boards, of.....	74 (1) (b)	• exemption from school	
• sums required for school		rates of.....	74 (2) (g)
expenses, of.....	74 (1) (b)		
Exemptions		Industrial Arts	
• assessment altered by, in		• classes for.....	74 (2) (c)
union school sections.....	55 (2)		
• by-laws re, school taxes			
not included.....	82		
• indigents from school			
rates, of.....	74 (2) (g)		
Expenses		Information	
• assessment, of, in		• auditors of rural sections, re.....	56e
unorganized territory.....	59 (2)		
• county consultative committee,		Inspection	
re.....	13 (5)	• school property, of.....	74 (3) (a)
• debentures issued in school		• union school sections, of.....	52
section, re.....	68 (2)		
• district consultative committee,		Inspector	
re.....	14 (5)	• adjustment of claims	
• judges, of.....	58 (14)	between sections by.....	77
• pupils at		• arbitration by, re rural	
other schools, of.....	80 (4)	school sites.....	10 (2,4)
Farm		• by-laws altering section	
• defined.....	18 (5)	boundaries transmitted to.....	17
Fees		• clerk to give copy of	
• education by other boards, re.....	6 (12)	assessment to.....	83
• kindergarten pupils, re.....	5 (6)	• court of revision, as.....	57 (3)
• non-resident pupils, re.....	6 (6) (10-12)	• differences between auditors of	
• resident pupils at closer school.....	6 (5)	rural sections, decided by.....	56e (7)
• wards, re.....	6 (8) (8a)	• land transferred by, in	
		unorganized territory.....	56 (3)
		• sections in unorganized territory	
		altered by.....	56 (2)
First meeting—See Meetings		Instruction	
Form		• religious.....	7
• ballot paper, of.....	56c (3)		
• declaration of voter, of.....	56c (7)		
Formation		Investigations	
• rural sections.....	56	• complaints re elections of	
• . on crown lands, of.....	12	trustees, of.....	37 (1)
• . unorganized territory, in.....	56 (1)		
• county school areas, of.....	13 (6) (7)		
• district school areas, of.....	14 (7)		
• township school		Judge	
areas, of.....	40 (4) (4a) (6a)	• appeal to, re assessment in	
• . unorganized territory, in.....	41	unorganized territory.....	58 (13,14)
• union school section, of.....	45 (2-5)	• arbitrator, as, re appeals.....	78 (2) (3)
Gardens		• investigation of complaints by.....	37, 38
• establishment of.....	74 (2) (c)	• public school visitor, as.....	8
Grants		Kindergartens	
• additional, for school purposes.....	71	• attendance at.....	5 (4-7)
• lands before 1850, of.....	9	• establishment of.....	74 (2) (c)

SECTION		SECTION
Levy—See Assessment; Rates		
Lieutenant-Governor in Council		
• land disposal approved by.....9 (2)		
Loans—See Debentures		
Maintenance		
• schools in township areas, of.....43		
• union schools, of.....55		
Medical inspectors		
• powers re surgical treatment.....74 (2) (h)		
Meetings		
• arbitrators, of, re union school sections.....55 (6) (8)		
• electors, of.....56b		
• first		
• newly incorporated villages, in.....28		
• rural sections, in.....56a		
• school questions in rural areas, re.....56b		
• special		
• • electors, of.....56b (7)		
• • rural sections, in.....56b (3)		
• tie vote at.....56b (10)		
• treasurers in union school sections.....55 (3)		
Minister		
• annual meeting of rural electors approved by.....56b (2)		
• appeal to, re union school sections....49		
• claims of sections of township school area, powers re.....42		
• closing of schools by.....80 (3)		
• Crown lands designated for school sections by.....12		
• district consultative committee, travelling expenses, reimbursement by.....14 (5)		
• powers re maintenance of union schools.....55 (1)		
• restriction of approval, re by-laws.....77		
• sections in unorganized territory approved by.....56 (1,2)		
• township school areas approved by.....41 (1,2)		
• vacancies on boards filled by.....35 (5)		
Moneys—See also Debentures		
• surplus, borrowed by rural boards.....67		
Municipal Act		
• bribery, etc., at elections under.....38		
• debentures issued under		
• • boards in unorganized territory, by.....60 (1)		
• • township school areas, re.63 (4,5,9)		
• • urban municipalities, by....63 (4,5,9)		
• elections under.....34 (1), 37 (3)		
• rates collected under.....69 (1)		
• rates disposed of under, when no school.....73 (1)		
Municipal Board—See Ontario Municipal Board		
Municipal Council		
• estimates of boards to.....74 (1) (b)		
• members of, as school visitors.....8 (1)		
• rates levied, accounted for by.....69		
Municipalities		
• clerks of, ineligible for board.....18 (2) (b)		
• costs of advances to board.....68 (1)		
• parts of sections, attached to.....59 (1)		
• payments by, in union sections.....45 (8); 55		
• rates where no school in.....73		
• urban		
• borrowing powers in.....63		
• • rates in.....69		
• • statements furnished to.....83 (2)		
• • union sections, in.....53		
Non-resident pupils		
• admission of.....6 (10-12)		
Notice		
• application to quash by-laws, awards, of.....81		
• arbitration, re.....76 (2)		
• assessment, of, re sections in unorganized territory.....58 (3)		
• • appeal re.....58 (10)		
Nurse		
• opinion re surgical treatment.....74 (2) (h)		
Office—See Term of office		
Officers		
• existing, continued in office.....4		
Ontario Municipal Board		
• appeals re assessments to.....58 (13)		
Ontario Municipalities Fund		
• surplus money borrowed from.....67		
Opening		
• keeping schools open, boards powers re.....74 (1) (c)		
Payment		
• arrears in school rates.....61 (5,6)		
Poll book		
• copy of, for inspector.....56c (12)		
• entries in.....56c (2)		
• production of, re controverted elections.....37 (1)		
Polls		
• election of trustees in rural section, for.....56c		
• school questions in rural sections, re.....56c		
Procedure		
• appeal from council, in.....76		
• arbitration, re.....76		
Proof		
• right to attend school, of.....5 (3)		
Property		
• custody of, by boards.....74 (2) (a)		
• disposal of.....74 (2) (b)		
• payment for, by one rate.....66 (1)		
• sale of.....74 (2) (b)		

SECTION	SECTION
Publication	
• by-laws, awards, of.....	81 (2)
Questions	
• voting in rural sections re.....	56a, 56c
Ratepayers	
• defined.....	1 (c)
• persons deemed as.....	18 (4)
• sanction of application for loan by rural school board.....	60 (1)
Rates—See also Assessment	
• additional grants by municipalities, for.....	71
• collection of, in school sections.....	69
• errors in collection of.....	72
• municipal councils, to levy.....	69
• municipalities, in, where no schools.....	73
• separate school supporters exempt from.....	3
• special	
• adjustment of claims in township school areas, for.....	42 (3,6)
• time for payment.....	69 (3)
• union school sections, formed of parts of townships, for.....	69
• unorganized territory, in, levy of.....	58a, 58b
Referee	
• claims in township school areas, for.....	42 (1-5a)
• Supplementary report by.....	42 (5a)
Regulations	
• application of.....	2
• religious instruction subject to.....	7 (2)
Religion	
• instruction re.....	7
Remuneration	
• referees, of.....	42 (3)
• secretaries of rural sections, of.....	56a (2)
Reports	
• annual meetings of ratepayers, at.....	56b (6)
• referees, of.....	42 (3)
Reserve fund	
• public school purposes, for.....	73a
Resident pupils	
• admission of.....	6 (2-9)
Resignations	
• trustees, ofS.A.A., section 44a	
Returning officers	
• election of trustees, for.....	34 (1)
Returns	
• arrears of taxes, in unorganized territory, re.....	61 (3)
Roman Catholic schools—See	
Separate schools	
Rural boards—See also Board	
• inspection of school property by.....	74 (3) (a)
• sites selected by.....	10
Rural school fairs	
• support of.....	74 (2) (f)
Rural sections—See also	
Unorganized territory	
• annual meetings in.....	56b
• auditors of.....	56e
• borrowing powers in.....	58a (1), 60
• formation of.....	56 (1)
• pupils of, at another school.....	80 (1)
• school boards in, as corporations.....	56 (7)
• secretary's duties in.....	56d
• trustees of.....	56 (5,6), 56a, 56b (8-10)
• voting on elections or school questions in.....	56c
Sale	
• land, of, for arrears of taxes.....	61 (7)
School boards—See Board	
School collector of Rates	
• appointment and duties.....	61 (1)
School meetings—See Meetings	
School property—See also Property	
• inspection of.....	74 (3) (a)
School sections—See Sections	
School sites — See also Schools Administration Act	
• selection of.....	56d (1) (c)
School visitors	
• <i>ex officio</i>	8 (1)
• powers of.....	8 (2)
Schoolhouse	
• boards' duties re.....	74 (3) (a)
• debentures for, in unorganized territory.....	60
Scrutineers	
• appointment of, re election of trustees.....	56c (6)
Secretary	
• compensation of, in rural sections.....	56d (2)
• duties of, in rural sections.....	56d
Sections	
• assessment of land in.....	11 (1)
• contiguous land transferred to.....	56 (3)
• division into groups, in unorganized territory.....	57 (1)
• existing, continued.....	4
• new	
• areas of.....	56 (2)

SECTION	SECTION
Sections—Con.	
. . . assessors appointed for.....58 (2)	
. . . elections in.....56a	
. . . first meetings in.....56b	
. . . trustees in.....56a	
. parts of, to be adjoining.....11 (2)	
. rural— <i>see</i> Rural sections	
. union— <i>see</i> Union school sections	
. unorganized territory, in.....56-62a	
. . . active.....62a	
. . . inactive.....62a	
. urban municipalities as.....16	
Separate schools	
. . . exemptions re.....3	
Sheriff	
. arrears of taxes paid to.....61 (6)	
. book entries by.....61 (4)	
Special classes	
. blind pupils, for.....74 (2) (d)	
. deaf pupils, for.....74 (2) (d)	
Special meetings	
. rural sections, in.....56b (3) (7)	
Surgical treatments	
. provisions for.....74 (2) (h)	
Surplus money	
. borrowing of.....67	
Taxes	
. arrears of, in unorganized territory.....61 (3-8)	
. exemption by-laws not to include school rates.....82	
Term of office	
. rural school trustees, of.....56a (1)	
. urban school trustees, of.....29, 30	
Terms	
. debentures, of.....63 (9)	
Territory Without Municipal Organization — <i>See</i> Rural sections — Unorganized territory	
Tie vote	
. candidate, re.....56a (2)	
. rural school meeting, at.....56b (5)	
Township boards — <i>See</i> Township school areas	
Township clerks	
. information supplied by.....83	
Township council	
. debentures issued by.....63	
Township school areas	
. adjustment of claims in.....40 (13), 42	
. alteration of area in.....40 (4) (6a)	
. apportionment of cost of.....43 (1)	
. attendance under 100 in.....40 (5)	
. borrowing powers in.....63	
. city or separated town in.....40 (4a)	
. effective date of alteration by-law.....40 (7)	
. enlarged administrative area, as.....40c (3)	
Township school areas—Con.	
. establishment of, in territorial districts.....40 (6a), 77	
. consenting resolution.....40 (6a)	
. maintenance of schools in.....43	
. new corporation in.....40 (11)	
. parts to be adjoining.....11 (2)	
. rural school section not in.....12 (3)	
. territory without municipal organization, in.....40 (6a) (12)	
. township to be.....40 (1)	
. trustees of	
. number to be elected.....40a (1), 40b (1)	
. qualification.....18	
. unorganized territory, in.....41	
. urban municipality	
. . . included.....40 (9)	
. . . not included.....40 (10)	
. voting in parts attached.....40a (4)	
Township school area board	
. auditor of books of.....40c (7)	
. composition of	
. for one township.....40a (1), 77	
. for more than one municipality.....40b (1), 77	
. for township divided into wards.....40a (2), 77	
. debentures, issue of, by.....63 (1)	
. election of	
. in more than one municipality.....40b (2)	
. in one township.....40a (3)	
. name of.....40c (4)	
. obligations, responsibility.....40c (6)	
. parts not rated for representation.....40c (10)	
. powers of.....40c (8)	
. qualifications of trustees.....18	
. vesting property in.....40c (5)	
Transportation costs	
. secondary school pupils in union school sections, of.....55 (11)	
Travelling expenses	
. rural section pupils at another school, for.....80 (4)	
Trustees — <i>See also</i> Board; Elections	
. appointment when qualified persons not available.....35 (5)	
. controversial elections of.....37, 38	
. corporations not to cease for want of.....20	
. disqualification of.....18 (2)	
. election of	
. county school areas, in.....13 (11)	
. district school areas, in.....14 (12)	
. general vote, by.....29	
. township school areas, in.....40a (3)	
. union school sections, in.....29-31, 33, 53	
. urban municipalities, in.....29-31, 33	
. wards, by.....30	
. existing, continued in office.....4	
. land vested in.....9 (1)	
. members of local boards, exception.....18 (2) (a)	

SECTION	SECTION
Trustees—<i>Con.</i>	Urban boards—<i>Con.</i>
<ul style="list-style-type: none"> • number of, change in.....29 (3) • powers and obligations of, in unorganized territory.....56 (6) • provisions re election of.....34 • qualifications of.....18 (1,3) • resignation ofS.A.A., section 44a • retirement by rotation of.....32 (1), 56a (1) • rural schools, for.....56a • terms of office of—<i>see</i> Term of office • township school areas, for.....40a (1), 40b (1), 41 (3) • urban municipalities divided into wards, in.....30 • urban municipality not divided into wards, in.....29 • vacancies in offices of.....35 	<ul style="list-style-type: none"> • election of.....29-31, 34 • qualifications of members of.....18 • trustees, number of, on.....29 (2) • vacancies in.....35 (2-5)
Undue influence	Urban municipalities
<ul style="list-style-type: none"> • election of trustees, re.....38 	<ul style="list-style-type: none"> • boards in.....27-31 • borrowing powers of.....63 • divided into wards, as part of union sections.....53 (2) • election of trustees in.....29-31, 35 • school sections, as.....16 • township clerks to furnish information to.....83 (2) • trustees from wards of.....30 • voters in.....33
Union school sections	Urban trustees—<i>See Trustees;</i> <i>Urban boards</i>
<ul style="list-style-type: none"> • adjustment of claims re.....45 (7) • alteration of.....45 (2-5) • apportionment of costs of.....55 (1) • arbitration of apportionment of costs.....55 (6) (8) (9) • by-laws, effective date of.....45 (6), 77 • collection of rates in.....69 • corporate names of boards for.....47 • districts, in.....45 (5) • formation of.....45 (2-5) • maintenance of schools in.....55 • rates in.....69 • territorial district, formation of, in.....45 (5) • township school area, in.....40 (2) • transportation for secondary school pupils in.....55 (11) • urban municipality, in.....45 (1) 	Villages
Unorganized territory—<i>See also</i>	<ul style="list-style-type: none"> • newly incorporated, powers of boards re.....28
Rural sections	Visitors—<i>See School visitors</i>
<ul style="list-style-type: none"> • arrears of taxes in.....61 (3-7) • assessments re.....58, 59 • collection of school rates in.....58a, 59 • courts of revision in.....57 (2,3) • debentures in.....58a (1), 60 • sections in.....56-62a • first election of trustees.....56a • liability of cost of land transfer, in.....56 (3) • sections of, divided into groups.....57 • township school areas in.....41 • trustees in.....56 (5,6), 56a, 56b (8-10) 	Vocational classrooms
Urban boards—<i>See also</i> Board	<ul style="list-style-type: none"> • establishment of.....74 (2) (c)
<ul style="list-style-type: none"> • application by, re debentures.....63 • corporations, as.....27 (1) 	Votes—<i>See also Casting vote;</i> Elections
	<ul style="list-style-type: none"> • entitlement to, in rural sections.....56 (5a) • entitlement to, in urban municipalities.....33 • general, re election of trustees for urban municipalities.....29
Voters—<i>See also</i> Electors	Voters—<i>See also</i> Electors
	<ul style="list-style-type: none"> • lists of.....13 (12a), 40c (9), 53 • objections to.....56c (7) • qualifications of, in rural sections.....56 (5) (5a), 56c (7)
Voting	Voting
	<ul style="list-style-type: none"> • procedure re, in rural sections.....56c • procedure re, in parts attached to township school areas.....40a (4) • in urban municipalities.....34
Wards	Wards
	<ul style="list-style-type: none"> • election of trustees by.....30 • fees re.....6 (8) (8a) • urban municipalities divided into.....30 • urban municipalities not divided into.....29
Wife	Wife
	<ul style="list-style-type: none"> • trustee, of, disqualified as member of same board.....18 (2) (c)



The Schools Administration Act

Revised Statutes of Ontario, 1960

CHAPTER 361

as amended by

1960-61, Chapter 92; 1961-62, Chapter 130;
1962-63, Chapter 129; 1964, Chapter 105;
1965, Chapter 118; 1966, Chapter 140; and 1967, Chapter 90

1967

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PARTIAL LIST

of the **Acts** Pertaining to the

ADMINISTRATION OF EDUCATION IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Schools Administration Act

R.S.O. 1960, CHAPTER 361

as amended by

1960-61, Chapter 92; 1961-62, Chapter 130;
1962-63, Chapter 129; 1964, Chapter 105;
1965, Chapter 118; 1966, Chapter 140; and
1967, Chapter 90

INTERPRETATION

1.—(1) In this Act, “board” means a public school board, ^{Interpretation, in} separate school board, continuation school board, high school ^{Act} board or board of education. R.S.O. 1960, c. 361, s. 1 (1); 1965, c. 118, s. 1.

(2) In this Act and in *The Department of Education Act, Acts in school* and the regulations thereunder, *The Public Schools Act, The R.S.O. 1960, cc. 94, 330,* *Separate Schools Act and The Secondary Schools and Boards of 368, 362* *Education Act*, unless otherwise provided in the Act or regulations,

1. “adjoining” means touching at any point;
2. “capital fund” means a fund acquired from the proceeds of the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
3. “continuation school district” means the property liable to assessment and taxation for the purposes of a continuation school;
4. “cost of operation” means the total of the current expenditure and debt charges paid in the year by a board or on its behalf; R.S.O. 1960, c. 361, s. 1 (2), pars. 1-4.
5. “county judge” or “judge” means the judge of the county or district court of the county or district in which the school board concerned has jurisdiction and, where the school board has jurisdiction in two or more counties or districts, means the judge of the county or district court of the county or district in which the assessment of real property liable to rates for the purposes of the school board is the greatest according to the last revised assessment rolls; 1961-62, c. 130, s. 1.
6. “current expenditure” means an expenditure for maintenance or a permanent improvement from funds other than those arising from the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;

- R.S.O. 1960,
e. 23
7. "current revenue" means all amounts earned by the board, together with the amounts to which it becomes entitled, other than by borrowing, that may be used to meet its expenditures;
 8. "debt charge" means the amount of money necessary annually to pay the interest on all debt, the principal of long-term debt not payable from a sinking fund, and to provide a fund for the redemption of debentures payable from a sinking fund;
 9. "Department" means the Department of Education;
 10. "elementary school" means a public or separate school;
 11. "equalized assessment" means the total assessment of real property and business assessment of a municipality as equalized by the county council under *The Assessment Act*;
 12. "guardian" means a person who has been appointed by order of a court as the legal guardian of a child in place of a parent;
 13. "high school" includes a collegiate institute;
 14. "high school district" means the area in which a high school board has jurisdiction;
 15. "inspector" means a school inspector;
 16. "inspectorate" means the territory for which an inspector is appointed;
 17. "itinerant teacher" means a teacher employed on a part-time basis by one board or more to teach one subject and who is normally required to travel from one school to another in the performance of his duties;
 18. "maintenance expenditure" means a current expenditure, not including an expenditure for a permanent improvement or a debt charge;
 19. "Minister" means the Minister of Education;
 20. "municipal inspector" means a person who is qualified and is employed with the approval of the Minister by a school board to inspect schools in a municipal inspectorate;
 21. "municipal inspectorate" means an inspectorate for which a school board employs the inspectors;
 22. "municipality" means a city, town, village or town-

- ship, but does not include a county; R.S.O. 1960, c. 361, s. 1 (2) pars. 6-22.
23. "occasional teacher" means a teacher employed to teach as a substitute for a permanent, probationary or temporary teacher; R.S.O. 1960, c. 361, s. 1 (2) par. 23; 1966, c. 140, s. 1 (1).
24. "perfect aggregate attendance" of pupils for a calendar year is the number calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of pupils registered at the school during the calendar year and deducting therefrom the number representing the number of pupil-days' non-attendance caused by,
- i. deaths,
 - ii. late registrations owing to transfer or age of pupils,
 - iii. termination of registrations owing to transfer or age of pupils,
 - iv. expulsion, and
 - v. exclusions;
25. "permanent improvement" includes,
- i. the acquisition of a school site and an addition or an improvement to a school site,
 - ii. the acquisition or erection of a building used for instructional purposes and any addition, alteration or improvement thereto,
 - iii. the acquisition or erection of an administration office, a residence for teachers or caretakers and a storage building for equipment and supplies, and any addition, alteration or improvement thereto,
 - iv. the acquisition of furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property,
 - v. the acquisition of a bus, or other vehicle, used for the transportation of pupils,
 - vi. the obtaining of a water supply on the school property or conveyed from outside the school property,
 - vii. initial payments or contributions for past service pensions to a pension plan for officers and other employees of the board;

- R.S.O. 1960
c. 94**
- R.S.O. 1960
c. 249**
- 26. "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher; R.S.O. 1960, c. 361, s. 1 (2), pars. 24-26.
 - 26a. "population" of a municipality or a portion thereof means the population determined by reference to the last municipal census of the municipality, less the number of inmates in public institutions in the municipality or the portion thereof, as certified by the clerk of the municipality; 1967, c. 90, s. 1(1).
 - 27. "prescribed" means prescribed by the regulations;
 - 28. "probationary teacher" means a teacher employed for a probationary period,
 - i. of not more than two years for a teacher with less than three years experience before the commencement of the contract, or
 - ii. of not more than one year for a teacher with three or more years experience before the commencement of the contract,
 leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher;
 - 29. "provincial inspector" means a person who is employed by the Province as a school inspector responsible to the Minister;
 - 30. "regulations" means the regulations made under *The Department of Education Act*;
 - 31. "reserve fund" means a reserve fund established under section 298 of *The Municipal Act* or paragraph 16 of section 35 of this Act; R.S.O. 1960, c. 361, s. 1 (2), pars. 27-31.
 - 32. "rural school section" means a school section, other than an enlarged administrative area, that comprises only territory without municipal organization; 1967, c. 90, s. 1 (2).
 - 33. "school section" means a locality for which a public school board or board of education has been or is to be established and that comprises part or all of one or more townships or of one or more urban municipalities or of territory without municipal organization or any combination of such areas;
 - 34. "school site" means the land necessary for a school-house, school playground, school garden, teacher's

- residence, caretaker's residence, drill hall, gymnasium, offices, parking areas and other land required for school purposes or for the offices of a board;
35. "secondary school" means a continuation, high or vocational school;
 36. "secondary school district" means a continuation or high school district;
 37. "secretary" and "treasurer" include a secretary-treasurer;
 38. "separated town" means a town separated for municipal purposes from the county in which it is situated;
 39. "teacher" means a person holding a legal certificate of qualification; R.S.O. 1960, c. 361, s. 1 (2), pars. 33-39.
 40. "temporary teacher" means a person employed to teach under the authority of a letter of permission; 1966, c. 140, s. 1 (3).
 41. "township" includes union of townships;
 42. "urban municipality" means a city, town or village; R.S.O. 1960, c. 361, s. 1 (2), pars. 41, 42.
 43. "urban school section" means an enlarged administrative area, a union school section or a school section that includes an urban municipality. 1966, c. 140, s. 1 (4).

PART I

SCHOOL TERMS AND COMPULSORY ATTENDANCE

2. In this Part, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of compulsory school age and is resident with him or in his care or legal custody. R.S.O. 1960, c. 361, s. 2.

3.—(1) The school year for elementary and secondary schools consists of three terms.
School year

(2) The first or fall term commences on the day following Labour Day and ends on the 22nd day of December, but, when the 22nd day of December is a Monday, the first term First term end on the preceding Friday.

Second term

(3) The second or winter term commences on the 3rd day of January and ends on the Friday preceding the 21st day of March, but, when the 3rd day of January is a Friday, the second term commences on the following Monday.

Third term

(4) The third or spring term commences on the second Monday following the end of the second term and ends on the 30th day of June, but, when the 30th day of June is a Monday or Tuesday, the third term ends on the preceding Friday. 1966, c. 140, s. 2, *part*.

School holidays**4. The following days are school holidays:**

1. Every Saturday and Sunday.
2. Every day proclaimed a public holiday by the authorities of the municipality in which the school is situated.
3. Every day upon which the school is closed under *The Emergency Measures Act, 1962-63, The Public Health Act* or *The Department of Education Act* or the regulations.
4. A day approved by the inspector for a teachers' institute or conference.
5. A day appointed by the Governor General or the Lieutenant Governor as a public holiday or for thanksgiving.
6. The birthday of the reigning sovereign or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning sovereign.
7. Good Friday, Easter Monday, Victoria Day and Remembrance Day.
8. Where under section 5 the school is open during July and August, Dominion Day and Labour Day. 1966, c. 140, s. 2, *part*.

Rural
schools

5.—(1) With the approval of the inspector, a rural elementary school board may substitute holidays in some other part of the year for part of the time allowed for between the second and third terms and for summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year. R.S.O. 1960, c. 361, s. 5 (1); 1966, c. 140, s. 3.

(2) In a territorial district, the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which an elementary school shall be kept open in each year, and the board of the school concerned shall keep the school open during the whole of the time so determined. R.S.O. 1960, ^{School terms in districts} c. 361, s. 5 (2).

6.—(1) Unless excused under this section,

^{Compulsory attendance}

- (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the last school day in June in the year in which he attains the age of sixteen years; and
- (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years. R.S.O. 1960, c. 361, s. 6 (1).

(2) A child is excused from attendance at school,

^{When attendance excused}

- (a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;
- (b) if he is unable to attend school by reason of sickness or other unavoidable cause;
- (c) if,
 - (i) his parent or guardian resides on and operates a farm, and
 - (ii) his parent or guardian requires his services on the farm or in the farm household, and
 - (iii) he has attained the age of fourteen years,

but, if such child attains the age of fourteen years during a school term, he is not excused until the end of that school term;

- (d) if he is employed under the authority of a home permit or an employment certificate;
- (e) if transportation is not provided by a board for the child and there is no school that he has a right to attend situated,

- (i) within one mile from his residence measured by the nearest highway if he has not attained the age of seven years on or before the first school day in September in the year in question, or
- (ii) within two miles from his residence measured by the nearest highway if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or
- (iii) within three miles from his residence measured by the nearest highway if he has attained the age of ten years on or before the first school day in September in the year in question;
- (f) if he has obtained a secondary school graduation diploma or has completed a course that gives him equivalent standing;
- (g) if he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;
- (h) if he is excluded from attendance at school under any Act or under the regulations;
- (i) if he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs;
- (j) if he is absent temporarily as authorized under the regulations. R.S.O. 1960, c. 361, s. 6 (2); 1960-61, c. 92, s. 1.

**Blind or
deaf
children**

(3) The fact that a child is blind or deaf is not an unavoidable cause under clause *b* of subsection 2 if the child is eligible for admission to The Ontario School for the Blind or The Ontario School for the Deaf.

**Child under
compulsory
age**

(4) Where a child under compulsory school age has been enrolled as a pupil in an elementary school, this section applies during the school term for which the child is enrolled as if he were of compulsory school age.

**Duty of
parent,
etc.**

(5) The parent or guardian of a child who is required to attend school under this section shall cause the child to attend school as required by this section.

**Separate
school
supporters**

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1960, c. 361, s. 6 (3-6).

7.—(1) The Lieutenant Governor in Council may appoint an officer, to be known as the provincial school attendance counsellor, who shall, under the direction of the Minister and subject to the regulations, superintend and direct the enforcement of compulsory school attendance. R.S.O. 1960, c. 361, s. 7 (1); 1967, c. 90, s. 2 (1).

(2) Where a child or his parent or guardian considers that the child is excused from attendance at school under clause *a* of subsection 2 of section 6, the Minister may inquire as to the instruction being given to the child and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is receiving satisfactory instruction and, if he deems that the child is not receiving satisfactory instruction, he may by his order direct that the child shall attend school. R.S.O. 1960, c. 361, s. 7 (2).

(3) Where a child or his parent or guardian considers that the child is excused from attendance at school under any one of clauses *b* to *j* of subsection 2 of section 6, the provincial school attendance counsellor may inquire as to the reason or excuse for non-attendance, and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is excused under the clause and, if he deems that there is no valid reason why the child should not attend school, he may by his order direct that the child shall attend school. R.S.O. 1960, c. 361, s. 7 (3); 1967, c. 90, s. 2 (2).

(4) The provincial school attendance counsellor has all the powers of a school attendance counsellor and may exercise such powers anywhere in Ontario. R.S.O. 1960, c. 361, s. 7 (4); 1967, c. 90, s. 2 (3).

NOTE: The amendments to subsections 1, 3 and 4 above come into force on the 1st day of January, 1968. See 1967, c. 90, s. 25 (3).

8.—(1) Every board shall appoint one or more school attendance counsellors.

(2) Two or more boards may appoint the same school attendance counsellor or counsellors.

(3) Where the office of a school attendance counsellor becomes vacant, it shall be filled forthwith by the appointing body.

(4) Notice of the appointment of a school attendance counsellor shall be given in writing by the board to the provincial school attendance counsellor and to the school inspectors concerned. 1967, c. 90, s. 3, *part*.

NOTE: Section 8 above comes into force on the 1st day of January, 1968. See 1967, c. 90, s. 25 (3).

Jurisdiction
and re-
sponsibility
of
counsellors,
of public
schools

of separate
schools

of secondary
schools

of boards of
education

Powers of
counsellors

9.—(1) A school attendance counsellor appointed by a public school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children who are of compulsory school age in the area in which the board that appointed him has jurisdiction or who are not resident pupils of the public school section but are or have been enrolled during the current school year in a public school operated by the board, except children who are subject to the jurisdiction of a school attendance counsellor appointed by a secondary or separate school board.

(2) A school attendance counsellor appointed by a separate school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children who are of compulsory school age and whose parents or guardians are supporters of a school operated by the board or who are not resident pupils of the separate school zone but are or have been enrolled during the current school year in a separate school operated by the board, except children who are subject to the jurisdiction of a school attendance counsellor appointed by a secondary school board.

(3) A school attendance counsellor appointed by a secondary school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the secondary school district or who are not resident pupils of a secondary school district but are or have been enrolled during the current school year in a secondary school operated by the board.

(4) A school attendance counsellor appointed by a board of education has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children who are of compulsory school age in the area in which the board has jurisdiction or who are not resident pupils of the public school section or high school district but are or have been enrolled during the current school year in a public or secondary school operated by the board, except children who are subject to the jurisdiction of a school attendance counsellor appointed by a separate school board. 1967, c. 90, s. 3, part.

NOTE: Section 9 above comes into force on the 1st day of January, 1968. See 1967, c. 90, s. 25 (3).

10.—(1) A school attendance counsellor may,

- (a) enter without warrant any place where children may be employed or congregated;
- (b) at the request of the parent or guardian apprehend and deliver to the school from which he is absent

or to his parent or guardian, without warrant, any child found illegally absent from school. R.S.O. 1960, c. 361, s. 10 (1); 1967, c. 90, s. 4 (1).

(2) A school attendance counsellor shall report monthly ^{Reports} to the body that appointed him, and annually to the provincial school attendance counsellor, on the prescribed forms. R.S.O. 1960, c. 361, s. 10 (2); 1967, c. 90, s. 4 (2).

(3) A school attendance counsellor shall perform his duties ^{To act under inspector and provincial} under the direction of the inspector or inspectors concerned, and shall carry out the instructions and directions of the provincial school attendance counsellor. R.S.O. 1960, c. 361, s. 10 (3); 1967, c. 90, s. 4 (3).

(4) A school attendance counsellor shall inquire into ^{Inquiry by counsellor and notice} every case of failure to attend school within his knowledge or when requested so to do by the inspector or principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith. R.S.O. 1960, c. 361, s. 10 (4); 1967, c. 90, s. 4 (4).

NOTE: The amendments to subsections 1, 2, 3 and 4 above come into force on the 1st day of January, 1968. See 1967, c. 90, s. 25 (3).

11. A board may make a complete census of all children ^{Census} in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1960, c. 361, s. 11.

12.—(1) The principal of every elementary or secondary ^{Reports and information} school shall,

- (a) report in accordance with the regulations to the proper school attendance counsellor, and in the case of an elementary school also to the inspector concerned, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
- (b) furnish the school attendance counsellor with such other information as the counsellor requires for the enforcement of compulsory school attendance;
- (c) report to the school attendance counsellor every case of suspension or expulsion. R.S.O. 1960, c. 361, s. 12 (1); 1967, c. 90, s. 5 (1, 2, 3).

(2) Where a child of compulsory school age has not attended ^{Where no school attendance counsellor} school as required and there is no school attendance counsellor having jurisdiction in respect of the child, the inspector con-

cerned shall notify the parent or guardian of the child of the requirements of section 6. R.S.O. 1960, c. 361, s. 12 (2); 1967, c. 90, s. 5 (4).

NOTE: The amendments to subsections 1 and 2 above come into force on the 1st day of January, 1968. See 1967, c. 90, s. 25 (3).

Home
permits
and employ-
ment certifi-
cates, under
14

13.—(1) Where, in the opinion of the school attendance counsellor, the services of a child under fourteen years of age are required,

- (a) in farm work on a farm operated by his parent or guardian,
- (b) in some occupation in or about the home of his parent or guardian, or
- (c) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance counsellor may issue, on the written application of the parent or guardian, a home permit or employment certificate, as the case requires, exempting the child from attendance at school for a period of not more than six weeks in a term and permitting him to engage in such occupation during such period. R.S.O. 1960, c. 361, s. 13 (1); 1967, c. 90, s. 6 (1).

between
14 and 16

(2) Where, in the opinion of the school attendance counsellor, the services of a child of compulsory school age who has attained the age of fourteen years are required,

- (a) in some occupation in or about the home of his parent or guardian, or
- (b) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance counsellor may issue, on the application of the parent or guardian, a home permit or an employment certificate, as the case requires, exempting the child from attendance at school and permitting him to engage in such occupation. R.S.O. 1960, c. 361, s. 13 (2); 1967, c. 90, s. 6 (2).

Revocation

(3) A school attendance counsellor may revoke any home permit or employment certificate issued by him if in his opinion the conditions under which he issued the permit have ceased to exist. R.S.O. 1960, c. 361, s. 13 (3); 1967, c. 90, s. 6 (3).

NOTE: The amendments to subsections 1, 2 and 3 above come into force on the 1st day of January, 1968. See 1967, c. 90, s. 25 (3).

14. Where it appears to the Minister that in any territory without municipal organization school trustees are not providing accommodation for the children entitled to attend school, or have neglected or failed to raise the necessary funds for the establishment and maintenance of a school, or have in other respects failed to comply with *The Public Schools Act* and the regulations, or that the election of trustees has been neglected and no regular board of trustees is in existence, the Minister may by commission under his hand authorize and direct the provincial school attendance counsellor to do all things and exercise all powers that may be necessary for the establishment and maintenance of a school, the erection of school buildings and providing accommodations, the opening and conducting of a school, the assessing and levying of all sums of money required for school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a school in accordance with *The Public Schools Act* and the regulations, and thereupon the provincial school attendance counsellor has and may exercise and perform, with regard to all matters set forth in the commission, all the authority, powers and duties vested in, and to be performed by, a board of school trustees under *The Public School Act* and the regulations. R.S.O. 1960, c. 361, s. 14; 1967, c. 90, s. 7.

NOTE: The amendment to section 14 above comes into force on the 1st day of January, 1968. See 1967, c. 90, s. 25 (3).

15.—(1) A parent or guardian of a child of compulsory school age, who neglects or refuses to cause the child to attend school, is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 15 (1).

(2) The judge or magistrate may, instead of imposing a fine, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the judge or magistrate, conditioned that the person shall cause the child to attend school as required by this Part. R.S.O. 1960, c. 361, s. 15 (2); 1961-62, c. 130, s. 2 (1).

(3) A person who employs a child of compulsory school age during school hours is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 unless the child,

- (a) holds a home permit or employment certificate authorizing the employment; or
- (b) is excused from attendance at school under clause c of subsection 2 of section 6.

Offences by corporations

(4) If a corporation contravenes subsection 1 or 3, in addition to the corporation, every director and officer of the corporation who authorizes, permits or acquiesces in the contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. R.S.O. 1960, c. 361, s. 15 (3, 4).

Children habitually absent from school

(5) A child of compulsory school age who is habitually absent from school without being legally excused is guilty of an offence and on summary conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the *Juvenile Delinquents Act* (Canada), and the child and his parent or guardian may be summoned to appear before a judge of a juvenile and family court, and the judge has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as he has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada).

Proceedings under subs. 5

(6) Proceedings in respect of offences under subsection 5 shall be proceeded with only in accordance with such subsection. 1961-62, c. 130, s. 2 (2).

Proceedings to be taken by attendance counsellors

16.—(1) Prosecutions under section 15 shall be instituted by the school attendance counsellor concerned and, where there is a juvenile and family court with jurisdiction, such prosecutions shall be tried in that court. R.S.O. 1960, c. 361, s. 16 (1); 1967, c. 90, s. 8.

NOTE: The amendment to subsection 1 above comes into force on the 1st day of January, 1968. See 1967, c. 90, s. 25 (3).

Certificate of principal as evidence

(2) In prosecutions under section 15, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal.

Proof of age

(3) Where a person is charged under section 15 in respect of a child who is alleged to be of compulsory school age and the child appears to the judge or magistrate to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1960, c. 361, s. 16 (2, 3).

PART II

TEACHERS

Memorandum of contract

17.—(1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract

prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher and the teacher's salary shall be payable in ten monthly payments in the manner provided therein.

(2) The contract may, in the case of a separate school board, include a stipulation to provide the teacher with board and lodging.

(3) Unless otherwise expressly agreed, a teacher is entitled to be paid his salary in the proportion that the total number of days during which he teaches bears to the whole number of teaching days in the year. R.S.O. 1960, c. 361, s. 17 (1-3).

(4) Subject to subsection 5, a permanent or probationary teacher is entitled to his salary for a total of twenty school days in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of such sickness or such tooth or gum condition. R.S.O. 1960, c. 361, s. 17 (4); 1964, c. 105, s. 2 (1).

(4a) Subject to subsection 5, a temporary teacher is entitled to his salary for two days in respect of each month of his employment in any school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than such two days absence from duty on account of such sickness or such tooth or gum condition. 1964, c. 105, s. 2 (2).

(5) An itinerant teacher is entitled to his salary for 10 per cent of the periods of instruction and supervision specified in the agreement for his employment in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the itinerant teacher his salary for more than 10 per cent of the periods of instruction and supervision in respect of his absence from duty on account of such sickness or such tooth or gum condition.

Absence of
teacher in
quarantine

(6) Every teacher is entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties.

Appearing
as witness
in court

(7) Every teacher is entitled to his salary notwithstanding his absence from duty as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged.

Disputes
between
teachers and
trustees

(8) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to appeal as provided in section 18.

Award of
salary by
way of
penalty

(9) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months salary.

Failure of
board to pay
salary when
no written
agreement

(10) For the purposes of subsection 9, the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. R.S.O. 1960, c. 361, s. 17 (5-10).

Appeals
from division
court
judgment

18.—(1) In an action between a teacher and a board under section 17, the judge of the division court in which the action is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

Appeal by
Minister

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to the Court of Appeal, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled "The Minister of Education of Ontario, Appellant, in the matter between (*naming the parties*)".

Transmission
of papers
to Supreme
Court

(3) The judge shall thereupon transmit to the office of the Registrar of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and

all objections made thereto, and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections.

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined. ^{Stay of proceedings}

(5) The Court of Appeal shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith. ^{Direction to the court below}

(6) The Court of Appeal may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office. ^{Costs}

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than \$100 has the same right of appeal as in an action in the division court. ^{Right of appeal}
R.S.O. 1960, c. 361, s. 18.

19.—(1) Subject to *The Department of Education Act*, no person shall be employed or act as a teacher in an elementary or secondary school unless he is qualified as prescribed by the regulations. <sup>Teachers to be qualified
R.S.O. 1960, c. 94</sup>
R.S.O. 1960, c. 361, s. 19 (1).

(2) REPEALED: 1964, c. 105, s. 3.

(3) Subject to *The Department of Education Act*, a certificate of qualification as a teacher may be awarded only to a British subject of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations. ^{Certificates}

(4) All certificates are valid for such periods as the regulations prescribe. ^{Idem}
R.S.O. 1960, c. 361, s. 19 (3, 4).

20.—(1) A teacher shall not use or permit to be used as a text-book in a prescribed subject in an elementary or secondary school any book that is not approved by the Minister or the regulations, and the Minister, upon the report of the inspector concerned, may withhold the whole or any part of the legislative grants in respect of any school in which an unapproved book is so used. ^{Use of unapproved text-books}

(2) Where a teacher uses as a text-book, or negligently or wilfully permits to be used as a text-book by the pupils of his school, in a prescribed subject, a book that is not approved by the Minister or the regulations, the Minister, on the report of the inspector of the school, may suspend the teacher and the ^{Idem}

board that operates the school may deduct from the teacher's salary a sum equal to so much of the legislative grants as has been withheld on account of the use of the book or any less sum at its discretion.

Change of
text-book

(3) Subject to the written approval of the board that operates the school, a teacher may replace any approved text-book that is in actual use in an elementary or secondary school by any other approved text-book on the same subject. R.S.O. 1960, c. 361, s. 20.

Refusal to
give up
school
property

21. A teacher who refuses, on demand or order of the board that operates the school concerned, to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession is not a qualified teacher until restitution is made and he also forfeits any claim that he may have against the board. R.S.O. 1960, c. 361, s. 21.

Duties
of
teacher
teach

22.—(1) It is the duty of a teacher,

(a) to teach diligently and faithfully the subjects in the course of study as prescribed by the regulations;

(b) to encourage the pupils in the pursuit of learning;

(c) to inculcate by precept and example respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

(d) to maintain proper order and discipline in his classroom and while on duty in the school and on the playground under the direction of the principal;

(e) to use the English language in instruction and in all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text-book may be conducted in the language of the text-book;

(f) to see that the classroom is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon;

.....
(g) to conduct his class in accordance with a timetable which shall be accessible to pupils, principal and inspector;

classroom
ready

timetable

- (i) to attend regularly the teachers' institutes of the ^{teachers'} institutes;
- (j) to notify the board and the inspector of his absence ^{absence from duty} from school and the reason therefor; and
- (k) to deliver the register, the schoolhouse key and other ^{school property} school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased. R.S.O. 1960, c. 361, s. 22 (1); 1966, c. 140, s. 4 (1).

(2) It is the duty of a principal, in addition to his duties ^{Duties of principal:} as a teacher,

- (a) to maintain proper order and discipline in the school; ^{discipline}
- (b) to register the pupils, classify them according to the ^{classify pupils} courses of study prescribed, and record their progress through school;
- (ba) to ensure that the attendance of pupils for every ^{attendance records} school day is recorded in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister;
- (c) to prepare and conduct the school according to a ^{timetable} timetable which shall be accessible to pupils, teachers and the inspectors;
- (d) to hold such examinations as may be required by the ^{examinations and reports} inspector for the promotion of pupils or for any other purpose as the inspector may direct and report the progress of the pupil to his parent or guardian at least for each school term;
- (e) subject to revision by the inspector, to make at the ^{promote pupils} end of each school term such promotions from one grade to another as he may deem expedient;
- (f) to prevent the use by pupils of text-books that are ^{unauthorized texts} not approved under the regulations;
- (g) to furnish to the Minister and to the inspector any ^{reports} information that it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports for the board as are required by the regulations;
- (h) to give assiduous attention to the health and comfort ^{care of pupils and property} of the pupils, to the cleanliness, temperature and

ventilation of the schoolhouse, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds;

report to
M.O.H.

- (i) to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, or the unsanitary condition of the schoolhouse, outhouses or surroundings;

pupils with
communicable
diseases

- (j) to refuse admission to the school of any pupil who he believes is infected with or exposed to communicable diseases requiring quarantine and placarding under regulations made pursuant to *The Public Health Act* until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed;

suspend a
pupil

- (k) to suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board and the inspector of the suspension, but the parent or guardian of any pupil suspended may appeal against the action of the principal to the board which has power to remove, confirm or modify the suspension; and

visitors'
book

- (l) to keep a visitors' book and make it available for visitors to sign. R.S.O. 1960, c. 361, s. 22 (2); 1964, c. 105, s. 4; 1966, c. 140, s. 4 (2).

Organization
of
teachers'
institutes

23. Subject to the regulations, teachers may organize themselves into teachers' institutes for the purpose of receiving instruction in methods of teaching and for discussing educational methods. R.S.O. 1960, c. 361, s. 23 (1).

(2-4) REPEALED: 1964, c. 105, s. 5.

PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

Interpre-
tation

24. In this Part,

- (a) "contract" means a contract of employment between a teacher and a board in accordance with Part II and the regulations;

- (b) "employed" means engaged as a permanent teacher by a board;
- (c) "judge" means a judge of a county or district court;
- (d) "teacher" means a person qualified to teach in an elementary or secondary school, and employed as a permanent teacher by a board, in accordance with Part II and the regulations. R.S.O. 1960, c. 361, s. 24.

25.—(1) The dismissal of a teacher, or the termination of the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract. Termination of employment, by school board

(2) Where a teacher is employed by a board, the termination of such employment by the teacher shall be by notice in writing in accordance with the terms of the contract. by teacher

(3) Notwithstanding anything in this or any other Act, Application for board where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher, the teacher or board if not in agreement with the dismissal or termination may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement. Service of notice

(4) The applicant shall send a copy of the application by registered mail to the other party to the disagreement on the same day as the application is sent to the Minister. R.S.O. 1960, c. 361, s. 25.

26.—(1) A board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until, Appointment in place of teacher dismissed

- (a) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 25;
- (b) the board has received from the teacher notice in writing that no application will be made under section 25;
- (c) the board has received from the Minister notice in writing that an application made by the teacher under section 25 has been withdrawn;
- (d) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 25;

- (e) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 3 of section 27; or
- (f) the board has received from the Minister a direction under section 30 directing the discontinuance of the contract,

whichever first occurs.

Contract after termination of engagement of teacher

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board after the teacher has received notice of the application of the school board for a Board of Reference until,

- (a) the teacher has received from the Minister notice in writing that an application made by the board under section 25 has been withdrawn;
- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 25;
- (c) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 3 of section 27; or
- (d) the teacher has received from the Minister a direction under section 30 directing the discontinuance of the contract,

whichever first occurs. R.S.O. 1960, c. 361, s. 26.

Application for Board of Reference

27.—(1) Upon receipt of an application for a Board of Reference, the Minister shall send notice of the application by registered mail to the other party to the disagreement and shall within thirty days thereof inquire into the disagreement and shall, within the same time,

- (a) refuse to grant the Board of Reference; or
- (b) grant the Board of Reference and direct a judge to act as chairman thereof.

Security for costs

(2) Before directing a judge to act as chairman of a Board of Reference, the Minister may require the applicant to furnish security for costs in such amount and in such form as he may deem advisable.

Naming of representatives

(3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered mail to the board and teacher involved

in the disagreement and the notice shall require each of them to name a representative to the Board of Reference and to notify the Minister of such nomination by registered mail within ten days of the sending of the notice by the Minister.

(4) If the applicant fails to comply with the requirements of subsection 3, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered mail to the other party to the disagreement. Failure to name representatives

(5) If the respondent fails to comply with the requirements of subsection 3, the Minister shall direct the continuance of the contract. Idem

(6) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. R.S.O. 1960, c. 361, s. 27. Failure of representatives to appear

28. The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. R.S.O. 1960, c. 361, s. 28. Place and time of hearing

29.—(1) The Board of Reference shall inquire into the matter in dispute and for such purpose the chairman has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Duty to inquire and powers of judge R.S.O. 1960 c. 323

(2) The meetings of the Board of Reference shall be held *in camera*. R.S.O. 1960, c. 361, s. 29. Meetings in camera

30.—(1) Upon the completion of the hearing, the Board of Reference shall report to the Minister within seven days to report and direct the continuance of the contract or the discontinuance thereof, and may also make such recommendations as it deems advisable. Board of Reference

(2) The Minister shall cause a copy of the direction of the Board of Reference and of its report, including recommendations, if any, to be sent by registered mail to the board and the teacher within seven days of the receipt of the report, and shall direct the implementation of the direction of the Board of Reference. R.S.O. 1960, c. 361, s. 30. Notice of direction

31.—(1) The direction of the Board of Reference under section 30 is binding upon the board and the teacher. Direction of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 30, any amounts then or Failure to comply with direction of Board

thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction.

Item

(3) If a teacher fails to comply with the direction of the Board of Reference under section 30, the Minister shall suspend the certificate of qualification of the teacher for such period as he may deem advisable. R.S.O. 1960, c. 361, s. 31.

**Payment
of costs**

32. Subject to the regulations made under section 33, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. R.S.O. 1960, c. 361, s. 32.

Regulations

33. The Lieutenant Governor in Council may make regulations,

- (a) fixing the remuneration of chairmen and members of Boards of Reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;
 - (b) regulating the practice and procedure to be followed upon any reference; and
 - (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.
- R.S.O. 1960, c. 361, s. 33.

PART IV**BOARDS AND TRUSTEES****Duties of
boards:**

34. Every board shall,

1. ensure that every school under its charge is conducted in accordance with this Act, the Act under which it is operated, and the regulations;
2. appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of a rural elementary school board, may be a member of the board;
3. fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept;

meetings**conduct
schools****appoint
secretary,
treasurer**

4. transmit to the Minister all reports and returns ^{reports} required by the regulations;
5. provide adequate accommodation during each school year for the children who have a right to attend a school under the jurisdiction of the board; ^{provide accommodation}
6. make provision for insuring adequately the school buildings and equipment; ^{insure buildings}
7. take proper security from the treasurer or secretary- ^{security of treasurer} treasurer;
8. keep the school buildings, fences and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board; ^{repair property}
9. erect and maintain any wall or fence deemed necessary by the board or required by the regulations for enclosure of the school premises; ^{erect fences}
10. appoint for each school that it operates a principal and an adequate number of teachers all of whom shall be qualified according to the Acts and regulations administered by the Minister; R.S.O. 1960, c. 361, s. 34; 1966, c. 140, s. 5. ^{appoint principal and teachers}
11. provide, without charge, for the use of the pupils attending the school or schools operated by the board, the text-books that are required by the regulations to be purchased by the board. 1964, c. 105, s. 6. ^{provide text-books}

35. A board may,

Powers of boards:

1. appoint such committees as it may deem expedient; ^{committees}
2. subject to Part III, appoint and remove such teachers, officers and servants as it may deem expedient, determine the terms on which they are to be employed, and fix their salaries and prescribe their duties; R.S.O. 1960, c. 361, s. 35, pars. 1, 2. ^{appoint employees}
- 2a. appoint a psychiatrist who is on the register of specialists in psychiatry of the Royal College of Physicians and Surgeons of Canada or of the College of Physicians and Surgeons of Ontario or a psychologist who is a duly qualified medical practitioner or holds a certificate of registration under *The Psychologists Registration Act*, who shall perform his duties in accordance with this Act and the regulations; 1960-61, c. 92, s. 2. ^{R.S.O. 1960, c. 316}

dismiss
secretary or
treasurer

3. dismiss the secretary or treasurer at any time, and thereupon shall make a new appointment to fill the vacancy;

attendance
areas

4. determine the number, kind, grade, description and territorial boundaries of schools to be established and maintained;

sites

5. acquire or rent school sites;

build
schools

6. build school buildings on property owned by the board within its jurisdiction;

playgrounds
parks,
rinks

7. operate the playground as a park or playground and rink during the school term or in vacation or both, and provide and maintain such equipment as it deems advisable, and provide such supervision as it deems proper, provided the proper conduct of the school is not interfered with;

gymnasiums

8. organize and carry on gymnasium classes in school buildings for pupils or others during the school term or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with;

milk

9. purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations; R.S.O. 1960, c. 361, s. 35, pars. 3-9.

provision
of supplies,
etc.

10. provide school supplies, other than the text-books that it is required to provide under paragraph 11 of section 34, for the use of pupils and collect from their parents or guardians a sum not exceeding 50 cents per pupil for each month of the school year to assist in defraying the cost thereof; 1965, c. 118, s. 4 (1).

equipment
and school
libraries

11. procure registers, maps, globes, apparatus and prize books, and establish and maintain school libraries;

provide
system for
pupil
savings

12. provide books, stationery and other materials necessary in connection with the establishment and maintenance of any system introduced for the encouragement of thrift and the habit of saving;

medical
and
dental
inspection

13. provide and pay for such medical and dental inspection of the pupils as the regulations may prescribe, or in the absence of regulations as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by the board before the 31st day of July, 1924, in the case of an elementary school board and before the

31st day of December, 1941, in the case of a secondary school board;

14. pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of the Ontario Educational Association or other similar association of teachers or trustees and may make grants and pay membership fees to any such association; R.S.O. 1960, c. 361, s. 35, pars. 11-14.
15. pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him,
 - i. for libel or slander in respect of any statements relating to the employment, suspension or dismissal of any person by the board published at a meeting of the board or of a committee thereof, or
 - ii. for assault in respect of disciplinary action taken in the course of duty; 1967, c. 90, s. 9 (1).
16. invest funds received from an insurance claim, gift, legacy or sale of property in such securities as a trustee may invest in under *The Trustee Act*; R.S.O. 1960, c. 408.
17. make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board; accident insurance
18. appoint supervisory officers of the teaching staff for positions that are provided for in any Act or regulation administered by the Minister and every appointee shall hold the qualifications and perform the duties required in the Act or regulations; R.S.O. 1960, c. 361, s. 35, pars. 16-18.
19. subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof; R.S.O. 1960, c. 361, s. 35, par. 19; 1965, c. 118, s. 4 (2).
20. give the necessary orders on the treasurer for payment of all moneys expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the Act under which the board is established or the regulations and by the board; R.S.O. 1960, c. 361, s. 35, par. 20.

permit
use of
school and
school
buses

21. permit the school buildings and premises and school buses owned by the board to be used for any educational or other lawful purposes that it deems proper, provided the proper conduct of the school is not interfered with; R.S.O. 1960, c. 361, s. 35, par. 21; 1967, c. 90, s. 9 (2).

expel
pupils

22. expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils, and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice;

cadet
corps

23. establish and maintain cadet corps and classes in military instruction and provide uniforms for such purposes;

athletics

24. provide for the promotion and encouragement of athletics and for the holding of school games; R.S.O. 1960, c. 361, s. 35, pars. 22-24.

guidance

25. appoint one or more teachers qualified in guidance according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement; 1965, c. 118, s. 4 (3).

public
lectures

26. subject to the regulations, establish, conduct and maintain free lectures open to the public and include in the estimates for the current year the expense thereof;

summer
schools

27. establish summer schools in subjects of the course of study; R.S.O. 1960, c. 361, s. 35, pars. 26, 27.

winter
courses

- 27a. establish and conduct during the school year courses for teachers; 1967, c. 90, s. 9 (3), part.

student
activities

28. authorize and exercise jurisdiction over such other school activities as pertain to the welfare of the pupils;

board for
courses in
conservation

29. provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while he attends a school for a course in conservation or natural science with the consent of his parent or guardian and with the permission of the board;

cafeteria

30. operate a cafeteria for the use of the staff and students; R.S.O. 1960, c. 361, s. 35, pars. 28-30.

31. provide, by contract with an insurer licensed under ^{group accident insurance} *The Insurance Act*, group accident insurance to indemnify a member of a board or of an advisory committee appointed by a board or his estate against loss in case he is accidentally killed or injured while travelling on the business of the board or in the performance of his duties as a member of a board or of an advisory vocational committee either within or outside the area over which the board has jurisdiction; ^{R.S.O. 1960, c. o. 190}
32. upon obtaining the written approval of the licensed municipal auditor of the board, authorize the destruction of receipts, vouchers, instruments, rolls, documents, records and papers that are at least seven years old as of the 1st day of January of the current year, except school registers, records of pupils' standings, minute books, annual financial reports, cash books, journals, ledgers, debenture registers, assessment rolls, tax collector's rolls, deeds, plans of buildings and other documents that the board considers of permanent value or historical interest; 1962-63, c. 129, s. 2.
33. employ and pay teachers, when so requested in writing by a charitable organization having the charge of children of school age, for the education of such children, whether such children are being educated in premises within or beyond the limits of the jurisdiction of the board, and pay for and furnish school supplies for their use, and any children being so educated are subject to this Act, *The Public Schools Act*, *The Separate Schools Act*, *The Secondary Schools and Boards of Education Act* and the regulations; ^{children in charitable organizations} ^{R.S.O. 1960, c. 330, 368, 362}
34. where, in co-operation with business and industry, a board provides for pupils' training programmes designed to supplement the courses given in its schools, the board may provide, by contract with an insurer under *The Insurance Act*, accident insurance to indemnify such pupils against loss in case they are accidentally injured while participating in such a programme and public liability insurance to insure such pupils and the board against loss or damage to the person or property of others while the pupils are participating in such a programme; 1964, c. 105, s. 7.
35. provide for maternity leave for a teacher, not exceeding two years for each pregnancy, and specify when such leave shall be taken; ^{maternity leave}

insurance
for pupils
R.S.O. 1960,
c. 190

special
education
programmes

assumption
of cerebral
palsy and
crippled
children's
treatment
centres

Collection
of rates in
territory
without
municipal
organization
by action
R.S.O. 1960,
c. 330, 368,
362

Agreements
to provide
administrative
accommodation
or sharing
of teachers,
etc.

Agreements
re accom-
modation
for Indian
pupils

Idem

- 36. provide, by contract with an insurer under *The Insurance Act*, accident and life insurance for pupils, the cost of which is to be paid on a voluntary basis by the parents or guardians; 1965, c. 118, s. 4 (4).
- 37. subject to the approval of the Minister, establish, as provided by the regulations, special education programmes to provide special education services for children who require such services;
- 38. when requested by the board of a cerebral palsy treatment centre school or a crippled children's treatment centre school and with the approval of the Minister, by agreement, assume the assets and liabilities of such board and continue to operate such a school, and, upon the effective date of the agreement between the two boards, the board making the request is dissolved. 1967, c. 90, s. 9 (3), *part*.

35a. In addition to any other remedy possessed by a board in territory without municipal organization for the recovery of rates imposed under the authority of *The Public Schools Act*, *The Separate Schools Act* or *The Secondary Schools and Boards of Education Act*, the board, with the approval of the public, separate or secondary school inspector, as the case may be, in writing signed by him, may bring an action in a court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor. 1967, c. 90, s. 10.

35b. A public school board or a high school board may enter into an agreement with any other board to provide for the other board,

- (a) accommodation for administrative purposes; or
- (b) the services of a psychiatrist, psychologist or teacher. 1966, c. 140, s. 6.

35c.—(1) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide accommodation and tuition for the maximum number of Indian pupils agreed upon, and the fees therefor shall be as provided in subsection 1 of section 100a.

(2) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and the fees therefor shall be as provided in subsection 1 of section 100a, but exclusive

of expenditures for the erection of school buildings for instructional purposes and additions thereto.

(3) Where a board has entered into an agreement under this section, the board, on the recommendation of the council of the Indian band concerned, may appoint as a member of the board such person as it deems proper to represent the interests of the Indian pupils served by the board, and the person so appointed has all the powers and duties of a member of the board as though he were eligible and duly elected as a member of the board. 1967, c. 90, s. 11.

Appointed
representa-
tive of
Indian pupils

36.—(1) A board may pay to each trustee, except trustees who are appointed to a board of education for secondary school purposes only, for each month an honorarium not exceeding an amount based on the average daily attendance of pupils in the schools operated by the board in the preceding year as follows:

Average Daily Attendance		Maximum Monthly Honorarium
Fewer than 60.....		\$ 5
60 or more but fewer than 100.....	100.....	7
100 " " " "	200.....	10
200 " " " "	300.....	15
300 " " " "	600.....	20
600 " " " "	1,000.....	30
1,000 " " " "	2,000.....	40
2,000 " " " "	3,000.....	50
3,000 " " " "	6,000.....	60
6,000 " " " "	10,000.....	70
10,000 " " " "	20,000.....	90
20,000 " " " "	30,000.....	110
30,000 " " " "	60,000.....	130
60,000 or more.....		150

1964, c. 105, s. 8, *part*; 1966, c. 140, s. 7 (1).

(2) A board of education may pay to each trustee appointed to the board, who is not entitled to vote on a motion that affects public schools exclusively, an honorarium for each month not exceeding the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year. 1964, c. 105, s. 8, *part*; 1965, c. 118, s. 5 (1).

Trustees
appointed
for second-
ary school
purposes
only

(2a) A board may pay to its chairman, in addition to any honorarium that may be paid to him as trustee, an additional honorarium not exceeding 25 per cent of the honorarium that may be paid to him as trustee. 1966, c. 140, s. 7 (2).

Chairman,
additional
honorarium

(3) A board of education or a high school board may pay to each member of an advisory vocational committee appointed by the board, who is not a trustee, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the average daily attendance of pupils

Members of
advisory
vocational
committees

in all secondary schools operated by the board in the preceding year.

Mileage allowance for board meetings

(4) A board with more than three trustees may pay to a trustee an allowance of 10 cents for each mile necessarily travelled by him to and from his residence to attend a meeting of the board or a committee of the board that is held within the boundaries of its jurisdiction.

Expenses for authorized travel on board business

(5) A board may authorize a trustee, teacher or official of the board to travel on designated business of the board, and may reimburse the trustee, teacher or official his actual expenses for transportation, room and meals or such lesser amount as may be determined by the board.

Deduction because of absence

(6) A board may provide for a deduction of a reasonable amount from the honorarium of a trustee because of absence from regular or committee meetings of the board. 1964, c. 105, s. 8, *part*.

Advisory vocational committee members

(7) Subsections 4, 5 and 6 apply *mutatis mutandis* to members of an advisory vocational committee who are not trustees. 1965, c. 118, s. 5 (2).

Business administrator

36a.—(1) Where the board determines that at least one person should be employed full time to carry out the duties of a secretary or treasurer, it may appoint a business administrator.

Duties

(2) A board may assign any of the duties of the secretary, treasurer and supervisor of maintenance of school buildings to a business administrator.

Status

(3) Where a board appoints more than one business administrator, it may designate two or more with equal status or may designate one or more as assistant business administrators. 1961-62, c. 130, s. 3.

Transportation of pupils

37.—(1) A board may provide transportation for its resident pupils to and from a school that the board operates or for its pupils for whom it pays fees in a school operated by another board.

Elementary to secondary

(2) An elementary school board may provide transportation to a secondary school for pupils whose parents or guardians are supporters of the elementary school and who do not reside in a secondary school district. R.S.O. 1960, c. 361, s. 37 (1, 2).

Pupils in unorganized territory

(2a) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates, to a school operated by another public school board or to a secondary school. 1964, c. 105, s. 9, *part*; 1965, c. 118, s. 6 (1).

(2b) A separate school board may furnish transportation ^{Idem} for pupils who reside in territory without municipal organization, but not in a separate school zone or a school section, to a school that the board operates, to a school operated by another separate school board or to a secondary school. 1964, c. 105, s. 9, *part*; 1965, c. 118, s. 6 (2).

(3) For the purposes of this section, a board may purchase ^{Purchase of bus} a vehicle either from current revenue or from a debenture issued for that purpose.

(4) For the purposes of this section, a board may make an ^{Agreements} agreement or agreements for one school year or less with a corporation, commission or person for the transportation of such pupils. R.S.O. 1960, c. 361, s. 37 (3, 4).

(5) Where a board provides transportation for more than thirty pupils, the board may, with the approval of the Ontario Municipal Board, make an agreement for a term not exceeding five years. 1965, c. 118, s. 6 (3).

(6) Where a pupil resides in a school section or separate school zone in a territorial district but not in a secondary school district with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, an elementary school board may, in lieu of providing daily transportation to and from school under subsection 2, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends. 1965, c. 118, s. 6 (4); 1967, c. 90, s. 12 (1).

(7) Where a pupil resides in a territorial district but not in ^{Idem} a school section, a separate school zone or a secondary school district, with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, the board of the secondary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends. 1966, c. 140, s. 8, *part*; 1967, c. 90, s. 12 (2).

(8) Where a pupil resides in a secondary school district in a ^{Idem} territorial district with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he attends under section 66 or that he has a right

R.S.O. 1960,
c. 362

to attend under section 68 of *The Secondary Schools and Boards of Education Act*, the secondary school board of the secondary school district of which he is a resident pupil may, in lieu of providing daily transportation to and from the secondary school that he attends, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends. 1966, c. 140, s. 8, *part*; 1967, c. 90, s. 12 (3).

Boarding
and trans-
portation of
secondary
school pupils
in a
territorial
district
taking
"francais"
subject

(9) Where a secondary school pupil resides in a territorial district in a secondary school district with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school in which the subject of French, taught as a subject for students who normally speak the French language, is offered as one of the subjects of the courses of study, an elementary school board may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, when not so provided by the secondary school board, board, lodging and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends, or may furnish transportation for such pupils in lieu thereof. 1967, c. 90, s. 12 (4).

Pensions

R.S.O. 1952,
c. 132
R.S.O. 1960,
c. 190, 249

38.—(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 59 of section 377 of *The Municipal Act* and the provisions of the said paragraph 59 apply *mutatis mutandis*. R.S.O. 1960, c. 361, s. 38 (1); 1965, c. 118, s. 7 (1).

Interpre-
tation

(2) In this section, "employee" does not include a teacher or inspector or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund. R.S.O. 1960, c. 361, s. 38 (2).

(3) REPEALED: 1965, c. 118, s. 7 (2).

Sick leave
credits

39.—(1) A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof provided that on the termination of his employment no employee is entitled to more than an amount equal to his salary,

wages or other remuneration for one-half the number of days standing to his credit and in any event not in excess of the amount of one-half year's earnings at the rate received by him immediately prior to termination of employment.

(2) Where an employee of a board that has established a sick leave credit plan under this or any other general or special Act becomes an employee of another board that has also established a sick leave credit plan under this or any other general or special Act, the latter board shall, subject to the limitation in subsection 4, place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned board.

(3) Where an employee of a municipality or a local board ^{Idem} as defined in *The Department of Municipal Affairs Act*, except R.S.O. 1960, c. 98, a school board, that has established a sick leave credit plan under any general or special Act becomes an employee of a board that has established a sick leave credit plan under this or any other general or special Act, the board shall, subject to the limitation in subsection 4, place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of such municipality or local board.

(4) The amount of sick leave credits placed to the credit of an employee under subsection 2 or 3 shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed.

(5) Subsections 2 and 3 apply only where the transfer of employment from a school board to another school board or from a municipality or a local board to a school board is made without intervening employment that interrupts the continuity of employment under which sick leave credits are accumulated. 1967, c. 90, s. 13.

40.—(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, to any employee of the board who has been in the service of the board for at least twenty years and who,

- (a) is retired because of age, or
- (b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, will exceed three-fifths of his R.S.O. 1960, c. 392.

average annual salary for the preceding three years of his service. R.S.O. 1960, c. 361, s. 40 (1); 1960-61, c. 92, s. 3.

Interpretation

(2) "Pension payments" in subsection 1 means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of the employer and employee and does not include any such payments that result solely from contributions of the employee.

Limitation on application of section

(3) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who are in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to any employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1960, c. 361, s. 40 (2, 3).

Insurance, hospitalization, etc.
R.S.O. 1960, c. 190, 304

41.—(1) A board may by resolution provide, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

- (a) group life insurance for employees or any class thereof,
- (b) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children, and
- (c) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and may provide for contributing toward the cost thereof.

Contributions re Ontario hospital care plan
R.S.O. 1960, c. 176

(2) A board may by resolution provide for contributing toward the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act*.

Contributions

(3) No resolution under this section authorizes contributions by the board in excess of the total of those made by the employees. R.S.O. 1960, c. 361, s. 41.

Open meetings of school boards

42.—(1) The meetings of a school board, except meetings of a committee of the board including a committee of the whole board, shall be open to the public and no person shall be excluded therefrom except for improper conduct.

Exclusion of persons

(2) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. R.S.O. 1960, c. 361, s. 42.

43.—(1) Except as otherwise provided in any Act,

First meetings

- (a) where a board is elected or appointed on or after the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday in January of the following year; and
- (b) where a board is elected or appointed on or after the 1st day of January and before the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday following the election or appointment of the board.

(1a) Notwithstanding subsection 1, on the petition of a majority of the trustees of a newly elected or appointed board, the inspector may provide for calling the first meeting of the board at some other time and date.

(1b) A board shall be deemed to be appointed when a majority of the members to be appointed has been appointed. *When board deemed appointed*
1961-62, c. 130, s. 4.

(2) At the first meeting in each year, the secretary shall preside until the election of the chairman or, if there is no secretary or in his absence, the members present shall elect one of themselves to preside at the election of the chairman, and the member so selected to preside may vote as a member.

(3) At the first meeting in each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings.

(4) In the case of an equality of votes at the election of a chairman or vice-chairman, the candidates shall draw lots to fill the position of chairman or vice-chairman, as the case may be.

(5) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman.

(6) If at any meeting there is no chairman or vice-chairman present, the members present may elect a chairman for that meeting.

(7) At the first meeting of a newly established board and as often as a vacancy occurs, the board shall also appoint a secretary and a treasurer or a secretary-treasurer, who shall hold office during the pleasure of the board.

(8) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting.

Quorum

(9) The presence of a majority of all the members constituting the board is necessary to form a quorum, and the vote of a majority of such quorum is necessary to bind the board. R.S.O. 1960, c. 361, s. 43 (2-9).

Chairman voting; equality of votes. R.S.O. 1960, c. 362

(10) Subject to subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act*, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative. R.S.O. 1960, c. 361, s. 43 (10); 1965, c. 118, s. 8.

Subsequent meetings

(11) Subsequent meetings of the board shall be held at such time and place as the board may deem expedient.

Special meetings

(12) Subject to the provisions of the Act under which the board is established, special meetings of the board may be called by the chairman and in such other manner as the board may determine. R.S.O. 1960, c. 361, s. 43 (11, 12).

Declaration

44.—(1) Except as provided in subsection 2, every person elected or appointed to a board, on or before the day fixed for the first meeting of the new board, shall make and subscribe the following declaration before the secretary of the board or before any person authorized to administer an oath and in default he shall be deemed to have resigned:

DECLARATION

I, A.B., do solemnly declare that:

1. I am not disqualified under any Act from being a member of (name of board).

2. I will truly, faithfully, impartially and to the best of my ability execute the office of trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

Declared before me at
..... in the
County or District of
..... this
..... day of
....., 19....

A.B.

I.dem

(2) Where a person is elected or appointed to fill a vacancy on a board, he shall make such declaration on or before the day fixed for holding the first meeting of the board after his election or appointment and in default he shall be deemed to have resigned.

Oath of allegiance

(3) Every person elected or appointed to a board, before entering on his duties as a trustee, shall take and subscribe

before the secretary of the board or before any person authorized to administer an oath the oath of allegiance in the following form:

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at _____, in
the County or District
of _____, this _____
..... day of _____, 19_____. A.B.

(4) The declaration and oath of allegiance shall be filed ^{Filing of declaration and oath} with the secretary of the board within eight days after the making or taking thereof, as the case may be. R.S.O. 1960, c. 361, s. 44.

44a.—(1) A trustee of a board, with the consent of a majority of the trustees present at a meeting, entered upon the minutes of it, may resign as trustee, but he shall not vote on a motion as to his own resignation and may not resign as trustee if his resignation will reduce the number of trustees of the board to less than a quorum. 1966, c. 140, s. 9.

(2) Notwithstanding subsection 1, where it is necessary for a trustee of a board to resign to become a candidate for some other office, he may resign by filing his resignation, including a statement that he is resigning for the purpose of becoming a candidate for some other office, with the secretary of the board and the resignation shall become effective on the 31st day of December after it is so filed. 1967, c. 90, s. 14.

45. Every secretary of a board shall,

Duties of secretary

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book provided for that purpose by the board, and ensure that the minutes, when confirmed, are signed by the chairman or presiding member;
 - (b) transmit to the inspector copies of reports requested by the inspector or the Minister;
 - (c) perform such other duties as may be required of him by the regulations, by any other Act or by the board.
- R.S.O. 1960, c. 361, s. 45.

46.—(1) Every treasurer and collector of a board and, ^{Security by officers} if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board.

Form of
security

R.S.O. 1960,
c. 168

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*, R.S.O. 1960, c. 361, s. 46.

Duties of
treasurer

47. Every treasurer of a board shall,

- (a) receive and account for all school moneys;
- (b) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit, as may be approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;
- (d) disburse all moneys as directed by the board;
- (e) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board. R.S.O. 1960, c. 361, s. 47.

Inspection
of books
and accounts

48. Any person may, at all reasonable hours, inspect the minute book, the audited annual financial report and the current accounts of a board, and the secretary, upon the written request of any person and upon the payment to the board at the rate of 25 cents for every 100 words or at such lower rate as the board may fix, shall furnish copies of them or extracts therefrom certified under his hand. R.S.O. 1960, c. 361, s. 48.

Trustees
disqualified
as inspectors
and teachers

49.—(1) A school trustee is not eligible for appointment as an inspector or as a teacher by the board of which he is a member.

Teachers
disqualified
as trustees

(2) A teacher is not eligible to be a member of the board by which he is employed.

Inspectors
disqualified
as teachers
and trustees

(3) An inspector is not eligible for appointment as a teacher by a board or to be a member of a board while he holds the office of inspector. R.S.O. 1960, c. 361, s. 49.

Disquali-
fication
by interest
in contract
with or
claim against
board

50.—(1) A person is not qualified to be elected as a trustee of a board or to act as a trustee of a board,

- (a) who, either himself or by or with or through another, has an interest in any contract with the board or with any person acting for the board or in any contract for the supply of goods or materials to a contractor for work for which the board pays or is liable

directly or indirectly to pay or which is subject to the control or supervision of the board or of an officer of the board, or who has an unsatisfied claim for such goods or materials; or

- (b) who, either himself or by or with or through another, has any claim, action or proceeding against the board.

(2) Subsection 1 does not apply to a person by reason only, Disqualification not to apply in certain cases

- (a) of his being a shareholder in a corporation having dealings or a contract with the board, unless such person is a director, manager, secretary, treasurer, secretary-treasurer or agent or has a controlling interest in such corporation and, for the purpose of determining a controlling interest under this clause, when married persons are living together, the interest of one spouse, if known to the other, is deemed to be also an interest of the other spouse;
- (b) of his being the proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement or notice is inserted in the regular course of business, if the subscription, advertisement or notice is paid for at the usual rate;
- (c) of his being related by blood or marriage to a person employed by the board;
- (d) of his being entitled to or receiving, on or after his retirement from employment or service with a board, a pension, retirement allowance, sick leave credit gratuity or any payment in respect of his employment or service with the board; or
- (e) of his having an interest in a contract or proposed contract or other matter that he may have as a ratepayer or elector or as a user of any service supplied to him by the board in like manner and subject to the like conditions as are applicable in the case of persons who are not trustees.

(3) If a trustee of a board in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the board, the contract, purchase or sale as against the board is voidable at the instance of the board or a ratepayer assessed to the support of the school or schools under the jurisdiction of the board. 1967, c. 90, s. 15.

(4) REPEALED: 1967, c. 90, s. 15.

NOTE: The new subsections 1, 2 and 3, and the repeal of subsection 4 come into effect on the 1st day of January, 1968. See 1967, c. 90, s. 25 (3).

Exceptions

(5) Nothing in this section,

- (a) prevents a trustee from receiving or being allowed an honorarium or allowance under section 36;
- (b) prevents a trustee who is an assessor or a collector from receiving or being allowed such remuneration as is provided for under the Act under which he is elected or appointed; or
- (c) prevents a trustee who is a secretary or treasurer of a rural elementary school board from receiving or being allowed such compensation for his services as may be approved at, and entered in the minutes of, the annual meeting or at a special meeting of the electors in the case of a public school board, or of the supporters of the school in the case of a separate school board. R.S.O. 1960, c. 361, s. 50 (5); 1961-62, c. 130, s. 5.

Declaring seat vacant

(6) On the complaint of two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or on the complaint of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply. R.S.O. 1960, c. 361, s. 50 (6).

Seat vacated by conviction, etc.

51.—(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected or appointed in the case of a public or secondary school board or ceases to reside within the separate school zone in the case of a separate school board, he *ipso facto* vacates his seat, and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply. 1965, c. 118, s. 9.

Proviso

(2) Notwithstanding subsection 1, where a trustee is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. R.S.O. 1960, c. 361, s. 51 (2).

Idem

52. Where a complaint is made in writing to the inspector concerned by any two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or

by the remaining trustee or trustees thereof, that any trustee was not, at the time of his election or appointment, qualified to be elected or appointed, or is not competent to act or is disqualified from acting, the inspector may file the complaint with the judge of the county or district court and on proof that the complaint is based on fact, the judge shall declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply. R.S.O. 1960, c. 361, s. 52.

53. If a board refuses or neglects to take proper security ^{Failure to take security} from the treasurer or other person to whom it entrusts school moneys, and any school money is forfeited or lost in consequence of the refusal or neglect, every member of the board is personally liable for such moneys which may be recovered by the board, or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing on behalf of himself and all other such ratepayers, in a court of competent jurisdiction, but no member is liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1960, c. 361, s. 53.

54.—(1) Notwithstanding any other Act, where the ^{Biennial or triennial elections} council of a municipality is required to conduct the election of trustees for a board and biennial or triennial elections have been provided for members of council, the trustees shall be elected biennially or triennially in the same year as the members of council and shall hold office for two or three years, as the case may be.

(2) All elected trustees in office in the year in which the nomination meeting is to be held in respect of the first biennial or triennial election of trustees cease to hold office at the end ^{Trustees in office before first biennial or triennial election} of that year. 1966, c. 140, s. 10, *part*.

(3) REPEALED: 1967, c. 90, s. 16.

(4) Where a council is elected biennially or triennially and a new board is established after the election of council to be organized in the second or third year of the term of council, the council shall provide for the election of trustees to hold office for one or two years, as the case may be, from the 1st day of January of the year in which the board is organized, and the election shall be held in the same manner as the election of trustees is held at municipal elections. 1966, c. 140, s. 10, *part*. ^{Formation of school board during biennial or triennial term of council}

PART VI

SCHOOL SITES

62. In this Part,Interpre-
tation

- (b) "judge" means a judge or junior or acting judge of the county or district court of the county or district in which lands to be acquired for a school site under this Part are situated;
- (c) "owner" includes a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested. R.S.O. 1960, c. 361, s. 62; 1965, c. 118, s. 12.

Judge not
to act when
member of
board

- 63.** A judge who is a member of a board shall not act in any matter under this Part in which the board is interested. R.S.O. 1960, c. 361, s. 63.

Powers and
duties to
be subject to
regulations

- 64.** The powers and duties conferred and imposed upon a board by this Part are subject to the regulations. R.S.O. 1960, c. 361, s. 64.

Board may
purchase or
expropriate
R.S.O. 1960,
c. 368

- 65.**—(1) Subject to the provisions of *The Separate Schools Act* as to the selection of a site by a rural school board, every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the land is required for a schoolsite or for the enlargement of a school site. R.S.O. 1960, c. 361, s. 65 (1); 1967, c. 90, s. 18.

Acquiring
land in
adjoining
township

- (2) The board of education for a city or town may acquire by purchase or otherwise, or may expropriate, land in a township for the purposes of a school site where the land adjoins a boundary between the city or town and the township.

Land not to
be exempt
from
taxation

- (3) Where a board of education expropriates land under subsection 2, the land is not exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the land, or in case of disagreement, the amount shall be determined by the judge. R.S.O. 1960, c. 361, s. 65 (2, 3).

Purchase
of school
site in
adjoining
section or
district

- 65a.** A public school board, board of education or secondary school board, with the approval of the Minister, may purchase a school site and purchase or build a school building thereon in an adjoining school section or high school district, as the case may be, for the purpose of operating a school therein. 1965, c. 118, s. 13; 1967, c. 90, s. 19.

66.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality that the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than five miles from the limits of the city or town.

(2) All land acquired under subsection 1, so long as it is held by the board, is subject to municipal assessment and taxation in the municipality in which it is situated.

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

(4) So long as land acquired by a board of a city or town under subsection 1 is held by the board, no school building or other permanent improvement shall be constructed on such land until the land is included within the limits of the school section under the jurisdiction of the board.

(5) Where a board has acquired land in another municipality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it may deem expedient. R.S.O. 1960, c. 361, s. 66.

66a.—(1) A board that had an average daily attendance of 10,000 or more in the preceding year in the schools under its jurisdiction may acquire by purchase or otherwise land in any municipality for the purpose of erecting a natural science school, and may build and operate such a school thereon. 1965, c. 118, s. 14, *part*; 1967, c. 90, s. 20.

(2) All land acquired by a board under subsection 1, so long as it is held by the board and is not situated in the school section, separate school zone or secondary school district, as the case may be, in which the board has jurisdiction, is subject to municipal assessment and taxation in the municipality in which it is situated.

(3) Where a board builds and operates a natural science school, it may conduct a natural science and conservation programme in co-operation with a conservation authority. 1965, c. 118, s. 14, *part*.

67. At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site, and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the

opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county or district in which the land lies to put the board in possession and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do. R.S.O. 1960, c. 361, s. 67.

Who may sell and convey to board

68.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, committee and every trustee, not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, mentally incompetent persons or mentally defective persons, or other persons, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site, and any contract, agreement, sale, conveyance or assurance so made is valid and effectual to all intents and purposes.

Where there is no person who can convey

(2) Where there is no person who under subsection 1 may contract, sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 and in any proceedings that may be taken under this Part and may give proper direction concerning the disposition of the purchase money. R.S.O. 1960, c. 361, s. 68.

Determining amount of compensation where no agreement

69.—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner, the amount to be paid shall be fixed and determined by the judge upon oral evidence at such time and place as he may upon notice to all concerned appoint.

Hearing

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

Duties of sheriff and clerk

(3) The sheriff and the clerk of the county court shall perform the same duties and are entitled to the same fees as in the case of a trial in the county court.

Appeal

(4) An appeal lies from the decision of the judge to the Court of Appeal. R.S.O. 1960, c. 361, s. 69.

Interest payable to owner

70. The judge shall determine what interest, if any, shall be paid to the owner. R.S.O. 1960, c. 361, s. 70.

71.—(1) On the filing with the county judge of the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent inquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct.

(2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the judge who is to determine the compensation under this Part and shall state the time within which the offer is to be accepted, and such other particulars as the judge may direct.

(3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed *ex parte* on oral evidence to determine the compensation to be paid. R.S.O. 1960, c. 361, s. 71.

72. The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect of the land, provided that in such cases the claimant or other person has first received ten clear days notice of the intention to determine his claim or right. R.S.O. 1960, c. 361, s. 72.

73. Where part only of the lot or parcel of land of the owner is required, the judge shall include in the compensation the amount that will, in his opinion, compensate the owner for any damage directly resulting from severance. R.S.O. 1960, c. 361, s. 73.

74.—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county or district court, but the board shall in that case pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment and such costs shall be ascertained in a summary way by the judge.

(2) The right of desistment shall not be exercised more than once with respect to a parcel of land. R.S.O. 1960, c. 361, s. 74.

Not to be exercised more than once

Judge may order notice to be published and mailed

Contents of notice

Determining compensation

etc.

Damages caused by severance

Right of desistment

Cost of arbitration

75. The costs of the proceedings are in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. R.S.O. 1960, c. 361, s. 75.

Vesting order

76. If the amount determined by the judge and any costs awarded have been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and the order may be registered and confers upon the board a good title to the land taken. R.S.O. 1960, c. 361, s. 76.

Compensation to be paid within thirty days

77.—(1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid.

Payment into court

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it advisable, the board may pay the sum awarded or any part thereof into the Supreme Court with six months interest thereon. R.S.O. 1960, c. 361, s. 77.

Compensation awarded to stand in the stead of land taken

78. The compensation for any land that is taken without the consent of the owner stands in the stead of the land, and any claim to or encumbrance upon the land, or any part thereof, is, as against the board, converted into a claim to or upon the compensation or to or upon a like proportion thereof and it is responsible accordingly, whenever it has paid the compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person. R.S.O. 1960, c. 361, s. 78.

**Compensation to be determined by official arbitrator
R.S.O. 1960, c. 250**

79. In the case of a municipality for which an official arbitrator has been appointed under *The Municipal Arbitrations Act*, the compensation to be paid to the owner shall be determined by the award of the official arbitrator instead of by the judge as hereinbefore provided, and the provisions of that Act *mutatis mutandis* apply. R.S.O. 1960, c. 361, s. 79.

PART VII

SUPERVISORY OFFICERS

Inspectors, number of

80.—(1) The Minister shall determine the number of inspectorates in Ontario, the limits of each inspectorate and the number of provincial inspectors to be appointed.

(2) Provincial inspectors shall be appointed by the Lieutenant Governor in Council upon the recommendation of the Minister. 1966, c. 140, s. 12.

81.—(1) Where the enrolment on the 30th day of September in any year of pupils in the public schools operated by a board in the classes where English is the language of instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction, is 2,000 or more but less than 3,000, the board may request the Minister to designate the school section as a municipal inspectorate, and, if the request is granted, the school section shall become a municipal inspectorate for public school purposes on the 1st day of August of the following year and the board shall employ a school inspector in accordance with subsection 8.

(2) Where the enrolment on the 30th day of September in any year of pupils in the public schools operated by a board is 3,000 or more, of which at least 2,000 are either in the classes where English is the language of instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction, the school section shall become a municipal inspectorate for public school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.

(3) In the year 1968 and thereafter, where the enrolment on the 30th day of September in any year of pupils in the separate schools in the classes where English is the language of instruction, or in the classes where, with the approval of the Minister, both English and French are the languages of instruction, operated by a board in a separate school zone is 2,000 or more but less than 3,000, the board may request the Minister to designate the zone as a municipal inspectorate for separate school purposes, and, if the request is granted, the zone shall become a municipal inspectorate for separate school purposes on the 1st day of August of the following year and the board shall employ a school inspector in accordance with subsection 8.

(4) Where the enrolment on the 30th day of September in any year of pupils in the separate schools operated by a board in a separate school zone,

- (a) in the year 1965 was 40,000 or more;
- (b) in the year 1966 is 10,000 or more; and
- (c) in the year 1967 and thereafter is 3,000 or more, of which at least 2,000 are either in the classes where

English is the language of instruction, or in the classes where, with approval of the Minister, both English and French are the languages of instruction, the zone shall become a municipal inspectorate for separate school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.

Secondary schools

(5) Where the enrolment on the 30th day of September in any year of pupils in the secondary schools operated by a board is 3,000 or more, the board may request the Minister to designate the high school district as a municipal inspectorate for secondary school purposes, and, if the request is granted, the high school district shall become a municipal inspectorate for the secondary school purposes on the 1st day of August of the following year and the board shall employ an adequate staff of school inspectors in accordance with subsection 8.

Director of education

(6) Where the enrolment on the 30th day of September in any year of pupils in the public and secondary schools operated by a board of education is 2,000 or more, the board may request the Minister to designate the school section as a municipal inspectorate, and, if the request is granted, the school section shall become a municipal inspectorate on the 1st day of August of the following year and the board shall appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Idem

(7) On or after the 1st day of September, 1967, where the enrolment on the 30th day of September in any year of pupils in the public and secondary schools operated by a board of education becomes 3,000 or more, the school section shall become a municipal inspectorate on the 1st day of August of the following year and the board shall appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Number of inspectors

(8) Where a school section, separate school zone or high school district is a municipal inspectorate, the board of the section, zone or district in respect of,

- (a) elementary school classes where English is the language of instruction;
- (b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction; and
- (c) secondary school classes,

shall employ, before the 1st day of August of the year following the year in which the enrolment of pupils on the 30th day of September in the classes referred to in clause *a*, *b* or *c* in the schools operated by the board was:

- (d) 2,000 or more but less than 3,500, at least one inspector;
- (e) 3,500 or more but less than 7,000, at least two inspectors,

and at least one additional inspector in respect of each additional 7,000 pupils of enrolment on the 30th day of September in classes referred to in clause *a*, *b* or *c*, as the case may be.

(9) Where a municipal inspectorate has been established ^{Provincial inspection} for a school section or separate school zone and the board has in its schools both,

- (a) elementary school classes where English is the language of instruction; and
- (b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction,

and the enrolment of pupils in either of the classes designated in clause *a* or *b* is less than 2,000, the Minister may provide for provincial inspection services for such classes.

(10) Where a municipal inspectorate has been established ^{Idem} for a high school district, the Minister may provide provincial inspection services for secondary school classes. 1966, c. 140, s. 13.

82.—(1) Where a board appoints one or more inspectors, ^{Super-intendents} the board,

- (a) shall, in the case of public and secondary schools, designate one of the inspectors as superintendent of public or secondary schools, as the case may be;
- (b) shall, in the case of separate school classes where English is the language of instruction, appoint one of the inspectors as superintendent of such classes, and, in classes where English and French are the languages of instruction, appoint a superintendent of such classes; and
- (c) may assign to the superintendent and to each inspector such administrative duties, in addition to those prescribed in the regulations, as the board deems expedient.

(2) The appointment or removal of a director, assistant director, superintendent, assistant superintendent or inspector ^{Appointment and removal of super-intendents}

is not effective until approved by the Minister, and the provisions of this Part respecting the suspension or removal of an inspector apply *mutatis mutandis* to a director, assistant director, superintendent and assistant superintendent. 1966, c. 140, s. 14.

Suspension or removal of inspector by Minister

83.—(1) An inspector may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

Suspension of municipal inspector by board

(2) A board may suspend a municipal inspector, appointed by the board, for neglect of duty, misconduct, inefficiency or physical infirmity, and the secretary of the board shall forthwith report the suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the person from office and the decision of the Minister is final.

Direction as to payment or forfeiture of salary

(3) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension, as he deems just.

Inspector removed not to be employed

(4) No person who has been removed from the office of inspector by the Minister shall be appointed or act as an inspector.

Qualification of city inspector

(5) A municipal inspector shall hold the qualifications prescribed by the regulations for a provincial inspector and shall be required to take such courses of training as may be required under the regulations.

Whole time to be given

(6) An inspector shall not accept any other office or employment and may not follow any other profession or calling during his tenure of office as an inspector, without the approval of the Minister.

Salaries of municipal inspectors

(7) The salary and travelling and other expenses of a municipal inspector shall be fixed by the board and are payable by the treasurer of the board. R.S.O. 1960, c. 361, s. 83.

Duties of inspectors

84.—(1) Subject to the regulations, it is the duty of an inspector,

Inspire teachers and pupils

(a) to bring about improvement in the work done in the classrooms by inspiring the teachers and pupils and by sympathetically assisting the teachers to improve their practice;

Co-operate with boards

(b) to assist and co-operate with school boards to the end that the schools may best serve the needs of the children;

- (c) to visit each school in his inspectorate during the ^{visit schools} school year and visit each classroom in operation in his inspectorate as often and for such length of time on each occasion as the Minister may direct;
- (d) to prepare a report of each school based on the visits ^{prepare reports} made during the year in the form prescribed by the Minister;
- (e) in the case of an elementary school inspector, to ^{report to boards} forward to each board in his inspectorate a copy of a report on its schools at least once a year;
- (f) on request, to make a general annual report as to ^{annual report to Minister} the performance of his duties and the condition of the schools in his inspectorate to the Minister and also to the school board in the case of a municipal inspectorate;
- (g) to report to the medical officer of health of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition; ^{report to M.O.H.}
- (h) to furnish the Minister with information respecting ^{report to the Minister} any school in his inspectorate whenever required to do so;
- (i) to recommend the withholding or any portion of the ^{recommend withholding of grants} legislative grant,
 - (i) where the school board has failed to operate its schools or to provide education in a school that is accessible to the pupils for less than six months in the year, except where the school has been closed by order of the medical officer of health or local or provincial health authorities on account of the prevalence of any communicable disease,
 - (ii) where the board fails to transmit promptly the annual or other school returns properly completed,
 - (iii) where the board fails to comply with this Act or the regulations,
 - (iv) where the teacher uses or permits to be used as a text-book, any book not authorized by the regulations,

and in every case to report to the board and to the Minister his reasons for so doing;

- | | |
|--------------------------------|--|
| other duties | (j) to discharge such other duties as may be required by the Minister or the regulations; |
| transfer to successor | (k) to deliver to his successor on retiring from office, his official correspondence and all school papers in his custody on the order of the Minister. |
| Responsibility, to Minister | (2) Every inspector is directly responsible to the Minister for the performance of his duties under subsection 1. |
| to board | (3) Every municipal inspector is also responsible to the board by which he was appointed for the administrative duties delegated to him by the board. |
| Power to take evidence on oath | (4) Where an inspector requires the testimony of a witness as to any alleged fact in any complaint or appeal made to him or to the Minister, he may administer an oath to the witness and he has the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases. R.S.O. 1960, c. 361, s. 84. |

PART VIII

OFFENCES AND PENALTIES

- | | |
|------------------------------------|--|
| False declaration of right to vote | 85. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 85. |
| Disturbances | 86. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a school by rude or indecent behaviour or by making a noise either in the place where the meeting is held or in the school or so near thereto as to interfere with the proceedings of the meeting or the order of exercises of the school is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 86. |
| Refusal to serve | 87.—(1) A trustee who refuses to serve after being elected or appointed with his own consent is guilty of an offence and on summary conviction is liable to a fine of \$25. |
| Failure to perform duties | (2) A trustee who has been elected or appointed and has not refused to accept the office and who at any time refuses or neglects his duties as trustee is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. |
| Acting while disqualified | (3) A trustee who sits or votes at any meeting of the board after becoming disqualified is guilty of an offence and on sum- |

mary conviction is liable to a fine of not more than \$25 for every meeting at which he so sits or votes. R.S.O. 1960, c. 361, s. 87.

88. The chairman of a rural school meeting who neglects to transmit to the inspector concerned a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of the meeting, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 88.

89. Every school board and its secretary and treasurer shall furnish the auditors with any papers or information in its or his power that may be required of it or him relating to the school accounts and a member of the board, or a secretary or treasurer, who neglects or refuses so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$25, but no member is liable if he proves that he made reasonable efforts to procure the furnishing of the papers or information. R.S.O. 1960, c. 361, s. 89.

90. Every trustee who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 90.

91. If an annual or other rural public school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give notice is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 91.

92.—(1) If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by *The Public Schools Act*, or if he neglects for one month to make any return required by that Act, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$25.

(2) If a county clerk neglects or refuses to prepare the map of the county showing the boundaries of the high school districts therein as required by *The Secondary Schools and Boards of Education Act*, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1960, c. 361, s. 92.

93.—(1) A treasurer, secretary or secretary-treasurer, or a person having been a treasurer, secretary or secretary-

Failure to
transmit
minutes

Information
to auditors

False
reports and
registers

Failure to
call school
meeting

School maps

R.S.O. 1960
c. 330

R.S.O. 1960
c. 362

Idem

R.S.O. 1960
c. 362

Delivery up
of books
and money

treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money that came into his possession as such treasurer, secretary, secretary-treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

**Summons
for appear-
ance**

(2) Upon application to the judge of the county or district court by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

**Service of
summons**

(3) A bailiff of a division court, upon being required so to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a grown-up person at his residence.

**Order to
account**

(4) At the time and place so appointed, the judge, if satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of the opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

**Effect of
non-com-
pliance with
Judge's
order**

(5) In the event of non-compliance with the order, the judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the jail of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

**Discharge
on comply-
ing with
order**

(6) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

**Discharge
on terms**

(7) Upon proof that the person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just.

**Other
remedy
not affected**

(8) Such proceedings do not impair or affect any other remedy that the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1960, c. 361, s. 93.

94.—(1) Section 93 applies to the case of any person who has in his possession any books, paper, chattel or money that came into his possession as secretary, or treasurer, or member, or otherwise, of a board that has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner provided in or under the Act under which the board is dissolved and failing any such provision as directed by the Minister, and in default of his so doing, proceedings may be taken against him by two ratepayers in the same manner as in the case provided for by section 93, and that section *mutatis mutandis* applies.

(2) Subsection 1 applies to every person who has received ^{Application of subs. 1} from such secretary, treasurer, trustee or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1960, c. 361, s. 94.

95.—(1) No teacher, trustee, inspector or other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution that is under the management or control of the Minister, shall sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing.

(2) Every person who contravenes subsection 1 is guilty ^{Offence} of an offence and on summary conviction is liable, if he is a teacher to a fine of not more than \$50, if he is a trustee to a fine of not more than \$100, if he is an inspector to a fine of not more than \$500 and if he is any other person so officially connected to a fine of not more than \$100.

(3) Any person, firm or corporation and any agent of a ^{Idem} person, firm or corporation who employs a teacher, trustee, inspector or any other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution that is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elemen-

Compelling
delivery of
books,
money, etc.
on dis-
solution of
school cor-
poration

No
inspector,
trustee,
teacher, etc.,
to act as
agent for
the sale of
books, maps,
etc.

tary or secondary school, teachers' college or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Gifts, etc.,
to be
prima facie
evidence

(4) Any gift or payment made to a teacher, trustee, inspector or other person so officially connected by any person, firm or corporation interested either as principal or agent in any such sale is *prima facie* evidence of a contravention of this section.

Consent of
Attorney
General to
prosecution

(5) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent of the Attorney General or the Deputy Attorney General.

Sale in
ordinary
course of
business
excepted

(6) This section does not apply to sales made by a trustee who is a merchant or bookseller in the ordinary and regular course of his business as such and made at his shop or place of business. R.S.O. 1960, c. 361, s. 95.

Application

(7) This section does not apply to a teacher, trustee, inspector or any other person who is the author of a book in respect of which the only compensation that he receives is a fee or royalty thereon. 1960-61, c. 92, s. 4.

PART IX

MISCELLANEOUS

Saving

96.—(1) Nothing in section 38 affects any pension plan established and approved by the Minister before the 6th day of April, 1954 under section 39 of *The High Schools Act*, section 129 of *The Public Schools Act* or section 83 of *The Separate Schools Act*.

Item

(2) Nothing in section 39 affects any sick leave credit plan established and approved by the Minister before the 6th day of April, 1954 under section 40 of *The High Schools Act*, section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*.

Item

(3) Nothing in section 40 affects any retirement allowance granted before the 6th day of April, 1954 under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*. R.S.O. 1960, c. 361, s. 96.

Share of
licence fees
for trailers
to be paid
to boards

97.—(1) Except as provided in subsection 2, where a trailer is located in a trailer camp or elsewhere in a municipality and licence fees are collected for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of the municipality shall pay,

- (a) to the public school board having jurisdiction in the school section in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for public school purposes, including township grants, bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes; and
- (b) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for secondary school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes.

(2) Where the occupant of a trailer has given to the clerk ^{Idem} of the municipality in which the trailer is located a notice in writing stating that he is a Roman Catholic and desires to be a supporter of a separate school that is situated within three miles of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay,

- (a) to the board of the separate school a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for separate school purposes in that part of the municipality that is within three miles of the separate school bears to the total of the rates levied in such part of the municipality for separate and secondary school purposes and municipal purposes; and
- (b) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for secondary school purposes in such district bears to the total of the rates levied for separate and secondary school purposes and municipal purposes in that part of the district within three miles of the separate school.

(3) This section does not apply to trailer camps and trailer parks operated by a municipality. R.S.O. 1960, c. 361, s. 97. ^{Application to municipally-operated camps}

98.—(1) Except as provided in subsection 2, the owner, ^{Trailer fee in public school section in unorganised territory} lessee or person having possession of a trailer that is located in territory without municipal organization in a public school

section shall pay to the public school board, on or before the first day of each month, a fee of \$3 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

**Trailer fee
re separate
school in
unorganized
territory**

(2) Where the occupant of a trailer that is located in territory without municipal organization is a Roman Catholic and signifies in writing to the separate school board and if the trailer is located in a public school section to the secretary of the public school board that he is a Roman Catholic and wishes to be a supporter of the separate school that is within three miles of the trailer, the owner or lessee of the trailer shall pay to the separate school board, on or before the first day of each month, a fee of \$3 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

**Trailer fee
in secondary
school
district in
unorganized
territory**

(3) The owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a secondary school district shall pay to the secondary school board, on or before the first day of each month, a fee of \$2 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Notice

(4) No person is required to pay a fee under this section until he has been notified in writing by the secretary of the board concerned or the tax collector that he is liable to pay such fee and upon receipt of such notice the person shall forthwith pay all fees for which he has been made liable under this section before receipt of the notice and shall thereafter pay fees in accordance with subsections 1 to 3.

**Content
of notice**

(5) Every notice under this section shall make reference to this section and shall specify,

- (a) the amount of fees for which the person is liable on receipt of the notice;
- (b) the amount of the monthly fee to be paid thereafter;
- (c) the date by which payment is required to be made;
- (d) the place at which payment may be made; and
- (e) the fine provided under this section.

Offence

(6) Every owner or lessee or person having possession of a trailer who permits the trailer to be located in any part of territory without municipal organization in which he is liable for any fee under this section without paying the fee as required under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 and each day that this subsection is contravened shall be deemed to constitute a separate offence. R.S.O. 1960, c. 361, s. 98.

99.—(1) Arbitrators acting under *The Public Schools Act*, *The Separate Schools Act*, *The Secondary Schools and Boards of Education Act* or this Act shall send a copy of their award forthwith after the making thereof to the secretary of the school board and to the clerk of each municipality affected.

(2) Such arbitrators shall determine the liabilities of the parties concerned for the cost of the arbitration and such determination is final and conclusive.

(3) Each arbitrator, except an arbitrator under Part VI, shall be paid a fee,

- (a) in the case of the Ontario Municipal Board, as determined by the Board;
- (b) in the case of a judge, at the rate of \$15 for each sitting of a half-day or fraction thereof;
- (c) in the case of an arbitrator other than a school inspector, judge or member of the Ontario Municipal Board, at the rate of \$10 for each sitting of a half-day or fraction thereof.

(4) This section does not apply to a Board of Reference or the members thereof. R.S.O. 1960, c. 361, s. 99 (1-4).

(5) This section applies also to treasurers who meet to apportion costs between parts of a union school section, parts of a county, district or township school area or parts of a secondary school district. 1966, c. 140, s. 15.

99a.—(1) Where in a county a public school consultative committee and a secondary school consultative committee have been established, the council of the county may direct that the two committees be amalgamated to form a county educational consultative committee.

(2) Where in a territorial district a public school consultative committee and a secondary school consultative committee have been established, the Minister may direct that the two committees be amalgamated to form a district educational consultative committee.

(3) Every educational consultative committee formed under subsection 1 or 2 is, for public school purposes, a public school consultative committee and, for secondary school purposes, a secondary school consultative committee.

(4) The secretary of the public school consultative committee shall be the secretary and an adviser of the educational consultative committee and the district secondary school inspector shall be an adviser of the educational consultative committee.

Separate school supporter not to vote on public school matters

(5) A member of an educational consultative committee who is a separate school supporter shall not vote on a motion that affects or relates to public schools exclusively. 1967, c. 90, s. 21.

Current borrowings

100.—(1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the chairman and secretary-treasurer to borrow from time to time from a chartered bank by way of a promissory note such sums as the board may deem necessary to meet the current expenditures of the board until the current revenue has been received.

For debt charges

(2) A board that has jurisdiction only in territory without municipal organization and a separate school board may also borrow, in the manner provided in subsection 1, such sums as the board may deem necessary to meet debt charges payable in any year until the current revenue has been received.

Limitation

(3) The amounts that may be borrowed at any one time for the purposes mentioned in subsections 1 and 2, together with the total of any similar borrowings that have not been repaid, shall not exceed the unreceived or uncollected balance of the estimated current revenues of the board, as set forth in the estimates adopted for the year.

When limitation calculated on estimated revenue

(4) Until such estimates are adopted, the limitations upon borrowing prescribed in this section shall temporarily be calculated upon the estimated revenues of the board, as set forth in the estimates adopted for the next preceding year, less the amount of revenues of the current year already collected.

Copy of resolution authorizing borrowing

(5) At the time, in any year, that any amount is borrowed under this section, the secretary-treasurer shall furnish to the bank a copy of the resolution authorizing the borrowing, unless he has previously done so, and as frequently as required by the bank, a statement showing the amount of the estimated revenues of the current year not yet collected or, where the estimates for the current year have not been adopted, a statement showing the amount of the estimated revenues of the board as set forth in the estimates adopted for the next preceding year and the amount of revenues of the current year already collected, and also showing the total of any amounts borrowed under this section in the current year that have not been repaid.

Estimated revenues

(6) For the purposes of this section, estimated revenues do not include revenues derivable or derived from the sale of

PART X

FINANCE

assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets. 1962-63, c. 129, s. 4.

100a.—(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of the financial data and attendance in respect of elementary schools, academic courses in secondary schools or technical and commercial courses in vocational schools, as the case may be, for the year in which such education is provided,

- (a) by ascertaining the gross current expenditure for,
 - (i) maintenance of the schools under the jurisdiction of the board, excluding transportation, tuition fees and evening courses of study,
 - (ii) capital expenditures from current funds, excluding the portion of the cost of a new school or an addition to a school building under a technical and vocational training agreement entered into by Canada and Ontario or an agreement entered into by a board and Ontario that was assumed and paid by Ontario, and
 - (iii) debt charges;
- (b) by ascertaining the total gross revenue from all sources, excluding legislative grants, taxation, tuition fees and costs recoverable from Ontario;
- (c) by deducting the amount determined under clause *b* from the amount determined under clause *a*;
- (d) by ascertaining the perfect aggregate attendance of all pupils at the schools under the jurisdiction of the board;
- (e) by dividing the amount determined under clause *c* by the attendance determined under clause *d* to calculate the gross cost per pupil per day; and
- (f) by multiplying the perfect aggregate attendance of the pupils whose fees are the responsibility of another board, of Canada or of Ontario by the amount determined under clause *e* to ascertain the fees receivable;

provided that where Grades 9 and 10 are included in an elementary school, the fees in respect of kindergarten to Grade 8, inclusive, and in respect of Grades 9 and 10 may be calculated by the use of the financial data and attendance in respect of kindergarten to Grade 8, inclusive, or Grades 9 and 10, as the case may be.

(2) Where a board provides instruction in a special education class for a pupil,

Special
education
classes

- (a) whose fee is receivable from another board, from Canada or from Ontario, the fee shall be twice that calculated under subsection 1;
- (b) whose fee is receivable from the council of a municipality, the fee shall be twice that calculated under subsection 3; and
- (c) whose fee is receivable from a parent or guardian, the fee shall be such as the board may prescribe, but shall not exceed twice the fee calculated as provided in subsection 3, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled. R.S.O. 1967, c. 90, s. 22.

Fees payable by municipalities in territorial districts

- (3) Where a board provides instruction for a pupil who does not reside in a secondary school district, but who resides in a territorial district in a municipality having a population of 2,000 or more, the council of the municipality shall pay fees to the board calculated as provided in subsection 1, except that under clause *b* the gross revenue shall not be reduced by legislative grants.

Fees payable by individuals

- (4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board or from Canada, Ontario or a municipal council, the fee payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 3, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

When fees payable by boards, etc.

- (5) The fees payable by a board or a municipal council for the education of pupils shall be paid when requested by the treasurer of the board that provides the education on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term. 1965, c. 118, s. 18, *part*.

PART XI

REDUCTION OF SCHOOL TAXES ON RESIDENTIAL AND FARM ASSESSMENT

Interpre-
tation

101. In this Part,

- (a) "commercial assessment" means,

- (i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and
 - (ii) business assessment, and
 - (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines, and the assessment of telephone and telegraph companies,
- according to the last revised assessment roll;
- (b) "residential and farm assessment" means the assessment for real property except the assessment for real property mentioned in sub-clauses i and iii of clause *a*, according to the last revised assessment roll.
- 1964, c. 105, s. 11, *part*.

102.—(1) The clerk of a municipality shall in each year furnish to each school board having jurisdiction in the municipality, or any parts thereof, information respecting the total of the commercial assessments and of the residential and farm assessments on which rates for the support of the board will be levied in that year and the amount due and payable in the current year for debt charges on debentures issued by the municipality in respect of the board.

(2) Where a county has issued debentures for the purposes of a board, the clerk of the county shall in each year furnish information to the board respecting the amount due and payable in the current year for debt charges on such debentures.

1964, c. 105, s. 11, *part*.

103.—(1) For the purposes of determining the rates, every school board in preparing its estimates shall include the amount of debt charges due in the current year in respect of the board.

(2) Every board that is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization shall apportion its estimates as determined under subsection 1 in accordance with the provisions of the Act under which the board operates.

1964, c. 105, s. 11, *part*.

**Submission
of estimates
of board
to council**

104.—(1) Every public and secondary school board shall submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined under section 103.

Idem

(2) Where the board is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization, it shall indicate to the council of each municipality concerned the amount of the estimates that is to apply to that municipality. 1964, c. 105, s. 11, *part*.

**Determina-
tion of
rates**

105.—(1) Rates to be levied for each school board in each municipality and territory without municipal organization shall be determined in the following manner:

1. Add 90 per cent of the residential and farm assessment to the commercial assessment.
2. Multiply the amount estimated by the board under section 103 to be raised by taxation in the municipality or territory without municipal organization by 1000 and divide the product by the total determined under paragraph 1.
3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.
4. The rate to be levied on residential and farm assessment shall be 90 per cent of the rate determined under paragraph 2.

**Who to
determine
rates**

(2) Except in the case of public and secondary school boards that have jurisdiction only in territory without municipal organization, secondary school boards in the part of the secondary school districts in territory without municipal organization and separate school boards, the rates shall be determined by the council of each municipality for each board that has jurisdiction in the municipality. 1964, c. 105, s. 11, *part*.

**Withholding
of debenture
levy**

106.—(1) The council of each municipality shall withhold from the amount levied and collected for a school board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board.

**Deficiency
payable by
board**

(2) Where the debt charges payable by a municipality on behalf of a board are more than the amount levied by the municipality for the cost of operation of the board, the board shall make a payment equal to the deficiency to the municipi-

pality on or before the date or dates on which the debt charges are payable. 1964, c. 105, s. 11, *part*.

107. The assessor of each municipality and each assessor in territory without municipal organization, in addition to the particulars required under subsection 2 of section 20 of *The Assessment Act*, shall set down in separate columns the following particulars:

1. the commercial assessment for public school purposes;
2. the residential and farm assessment for public school purposes;
3. the commercial assessment for separate school purposes;
4. the residential and farm assessment for separate school purposes;
5. where two or more high school districts, or parts thereof, are situated in the municipality, the high school districts and the commercial assessment and residential and farm assessment in each high school district. 1964, c. 105, s. 11, *part*.

108. The council of every local municipality, every public and secondary school board that has jurisdiction only in territory without municipal organization, every secondary school board in the part of the secondary school district in territory without municipal organization and every separate school board in each year shall levy or cause to be levied on the whole of the assessment for real property and business assessment for public, secondary and separate school purposes, as the case may be, according to the last revised assessment roll, the rates determined for each public, secondary and separate school board having jurisdiction in the municipality, or a part thereof, or in territory without municipal organization, as the case may be. 1964, c. 105, s. 11, *part*.

109. In the event of a conflict between any provision in this Part and any provision in any other general or special Act, the provision in this Part prevails. 1964, c. 105, s. 11, *part*.

PART XII

RETARDED CHILDREN'S EDUCATION AUTHORITIES

110. In this Part,

Interpre-
tation

- (a) "Authority" means a Retarded Children's Education Authority;

- R.S.O. 1960,
c. 260
- (b) "local association" means a parents' group that is affiliated with the Ontario Association for Retarded Children;
 - (c) "maintenance" includes the acquisition of furniture, furnishings, books, instructional equipment and apparatus and supplies and of vehicles for the transportation of pupils;
 - (d) "municipality" includes The Municipality of Metropolitan Toronto but does not include an area municipality within the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*;
 - (e) "retarded child" means a child under eighteen years of age whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age. 1964, c. 105, s. 12, *part*.

**Establish-
ment of
Authority**

111.—(1) Where in a municipality or in a municipality and an adjacent municipality there are resident at least ten retarded children whose parents are represented by a local association, the local association may request the council of the municipality to establish an Authority to operate a school or schools in the municipality or in the adjacent municipality for the education of retarded children, and, subject to the approval of the Minister, the council shall by by-law establish an Authority for such purpose. 1967, c. 90, s. 23.

Name

(2) Every Authority is a corporation by the name of "The (*insert name of municipality*) Retarded Children's Education Authority".

**Consent of
Minister
required to
dispose of
real property
of local
association**

(3) Where an Authority is established at the request of a local association, the local association shall not be wound up nor its real property disposed of without the consent of the Minister.

**When
Authority
to commence
operation**

(4) An Authority may commence to operate a school or schools after the 1st day of January following its establishment. 1964, c. 105, s. 12, *part*.

**Authorities
established
where school
being
operated**

112. Every local association that now operates a school shall be deemed to have requested the municipality in which the school is located to establish an Authority, and the Authority is hereby established to operate a school or schools in such municipality for the education of retarded children. 1964, c. 105, s. 12, *part*.

**Composition
of Authority**

113.—(1) Subject to subsection 2, every Authority shall be composed of six members of which,

- (a) two shall be appointed by the local association that requested the establishment of the Authority; and
- (b) four shall be appointed by the council of the municipality in which the school operated by the Authority is located.

(2) An Authority established for The Municipality of ^{in Metropolitan} Toronto shall be composed of six members of ^{of} _{Toronto} which,

- (a) two shall be appointed by the Metropolitan Toronto Association for Retarded Children; and
- (b) four shall be appointed by the council of The Municipality of Metropolitan Toronto.

(3) Subject to subsection 4, the members of an Authority ^{Term of office} shall hold office for two years and until their successors are appointed.

(4) Of the first members appointed by a local association ^{Appointment of first members} and by a council, one-half shall be appointed for a term of one year and one-half for a term of two years, and thereafter members shall be appointed for a term of two years.

(5) Where a vacancy on an Authority occurs for any reason, the local association or council that appointed the member whose office is vacant shall appoint another person to hold office for the remainder of the term of the member whose office is vacant. 1964, c. 105, s. 12, *part*.

114.—(1) Where an Authority is established at the request of a local association, the local association is responsible for providing school premises without charge for the use of ^{Responsibility of local associations for school premises} the Authority.

(2) Where an Authority is established to operate a school formerly operated by a local association, the furniture, furnishings, books, instructional equipment and apparatus and supplies that are being used for the purposes of such school at the time the Authority is established are vested in the Authority. 1964, c. 105, s. 12, *part*.

115.—(1) Subject to subsections 2 and 4, a retarded child ^{Right of child to attend school} who is resident in the municipality in which a school is operated by an Authority or who is resident in an adjoining municipality in which no school for retarded children is operated has the right to attend the school if in the opinion of the admissions board he may profit by attendance at the school.

(2) Subject to subsection 4, a retarded child resident in ^{in Metropolitan} Toronto The Municipality of Metropolitan Toronto has the right to

attend a school operated by the Authority established for The Municipality of Metropolitan Toronto if in the opinion of the admissions board he may profit by attendance at the school.

**Admission
of other
children**

(3) Subject to subsection 4, an Authority may admit retarded children to a school operated by the Authority who do not have the right to attend such a school under subsection 1 or 2.

**Admission
or dismissal
on recom-
mendation
of board**

(4) Subject to the regulations, retarded children may be admitted to or dismissed from a school operated by an Authority only upon the recommendation of an admissions board consisting of,

- (a) the principal of the school;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the Authority;
- (c) the local public school inspector; and
- (d) the local separate school inspector.

**Chairman of
admissions
board**

(5) The principal of the school shall be the chairman of the admissions board, and, where there is more than one local public or separate school inspector in the municipality, the inspector named by the Minister shall be the member of the admissions board under clause *c* or *d* of subsection 4. 1964, c. 105, s. 12, *part*.

**Estimates of
Authority**

116.—(1) Every Authority shall prepare and submit to the council of the municipality in which its school is located, before such time as the council may prescribe, estimates for the current year of all sums required to be provided to meet expenditures for the maintenance of the school or schools operated by the Authority, and shall show the amount of any surplus or deficit remaining at the end of the preceding year and any revenues to be derived by the Authority during the current year from all sources.

**Rates for
current
purposes**

(2) The council of the municipality shall levy and collect each year and transfer to the Authority from time to time as required, but not later than the 15th day of December, such amount as the Authority may deem necessary for the maintenance of the school or schools operated by the Authority. 1964, c. 105, s. 12, *part*.

**Admission
of child
resident
in another
municipality**

117.—(1) Where a retarded child is admitted to a school operated by an Authority but is resident in a municipality other than the municipality in which the school is located, the municipality in which the child resides shall pay to the Authority a tuition fee not exceeding the net cost per child

based on the average daily attendance of such school in the preceding year.

(2) When a retarded child in respect of whom a municipality is liable for the payment of fees is admitted to a school operated by an Authority, the Authority shall forthwith notify the clerk of the municipality of the admission of such child. 1964, c. 105, s. 12, *part*.

(3) Where a retarded child is admitted to a school operated by an Authority but is resident on lands that are exempt from taxation for school purposes and that have been designated by the Minister as a rural school section for which a board has been appointed under subsection 1 of section 12 of *The Public Schools Act* or that have been designated a high school district for which a board has been appointed under subsection 4a of section 51 of *The Secondary Schools and Boards of Education Act*, the board shall pay to the Authority a tuition fee not exceeding the gross cost per child based on the average daily attendance of such school in the preceding year. 1967, c. 90, s. 24.

118. Where for two consecutive years fewer than ten retarded children are enrolled in a school operated by an Authority, the Minister may direct that the school shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs. 1964, c. 105, s. 12, *part*.

119. An Authority may provide transportation for its pupils and for such purpose may purchase one or more vehicles or enter into an agreement with any person for the transportation of such pupils. 1964, c. 105, s. 12, *part*.

120. Section 89 applies *mutatis mutandis* to every Authority and to the secretary, treasurer and members of an Authority. 1964, c. 105, s. 12, *part*.

INDEX

SECTION	SECTION
Absenteeism	
. proceedings where habitual.....15 (5, 6)	
Adjoining	
. defined.....1 (2) ¶ 1	
Admissions board , retarded children's	
. chairman of.....115 (5)	
. composition of.....113	
. retarded children, admission by115 (4)	
Advisory Vocational Committees	
. honorarium of members.....36	
. reimbursement for expenses.....36	
Advisory Vocational Committee	
. honorarium, for.....36 (3)	
. expenses of members.....36 (7)	
Appeals	
. compensation decisions re expropriation for school sites, from.....69 (4)	
. disputes as to teachers' salaries, in.....18	
Arbitrators	
. awards, copies to be sent to board.....99 (1,4,5)	
. costs, determination of liability for.....99 (2)	
. fees for.....99 (3)	
Assessment roll	
. particulars in.....107	
Athletics	
. powers of board to promote.....35 ¶ 24	
Attendance — See also Compulsory attendance	
. duties of principal, re.....22 (2) (ba), 12 (1)	
. perfect aggregate, defined.....1 (2) ¶ 24	
Attendance areas	
. powers of boards as to.....35 ¶ 4	
Attendance counsellors—See School attendance counsellors	
Auditors	
. failure to give information to, penalty.....89	
Authority, Retarded Children's	
. commencement of operation.....111 (4)	
. composition of.....113	
. defined.....110 (a)	
. establishment.....111 (1)	
. estimates.....116 (1)	
. information to auditors.....120	
. members, appointment.....113 (1)	
. first.....113 (4)	
. Metro Toronto.....113 (2)	
. name of.....111 (2)	
. notification of clerk, re admissions.....117 (2)	
. property vested in.....114 (2)	
. term of office.....113 (3)	
. transportation of children.....119	
. vacancies.....113 (5)	
Blind children	
. compulsory school attendance.....6 (3)	
Boarding	
. secondary school pupils, of.....37 (6-9)	
Boards—See also Boards of Reference; Trustees	
. accident insurance re pupils, power to provide for.....33 ¶ 17	
. acquisition of land for school sites— <i>See</i> School sites	
. agreements	
. with other boards.....35b	
. with Canada.....35c	
. re Indian pupils.....35c	
. appointment of principal and teachers, duty as to.....34 ¶ 10	
. auditors, failure to give information to, penalty.....89	
. books and accounts, inspection by public.....48	
. census of children under 21, making of.....11	
. chairman	
. election of.....43 (3,4)	
. honorarium.....36 (2a)	
. right to vote.....43 (10)	
. declaration by members.....44 (1,2,4)	
. defined.....1 (1)	
. documents, destruction of.....35 ¶ 32	
. duties of	
. school sites, re, subject to regulations.....64	
. elections	
. chairman, of.....43 (3,4)	
. temporary.....43 (6)	
. trustees, false declaration of right to vote, penalty.....85	
. vice-chairman.....43 (5)	
. employees	
. group insurance for.....41 (1) (a,b), (3)	
. hospitalization, etc., services for.....41 (1) (c), (3)	
. pensions for.....38, 96 (1)	
. . . employee defined.....38 (2)	
. relatives not disqualified for membership.....50 (2)	
. retirement allowances for.....40 (1,2), 96 (3)	
. . . limitations.....40 (3)	
. sick leave credits for.....39, 96 (2)	
. expropriation for school sites— <i>See</i> School sites	
. expulsion of pupils, powers as to.....35 ¶ 22	
. fees and expenses of members, power to pay.....35 ¶ 14	
. fees for students, powers as to.....35 ¶ 19	
. financial borrowing by.....100	
. first meetings of.....43 (1-7)	
. grants by.....35a	
. group accident insurance.....35 ¶ 31	

SECTION	SECTION
Boards—Con.	Boards—Con.
• insurance of buildings, duties as to.....34 ¶ 6	• treasurer
• investment of funds, powers as to.....35 ¶ 16	• . . appointment of.....34 ¶ 2, 43 (7)
• legal costs, power to pay.....35 ¶ 15	• delivery up of books or money
• meetings	• . . obligation.....93 (1), 94
• . . duties as to.....34 ¶ 3	• . . wrongful refusal, effect.....93 (2-8)
• . . equality of votes, effect.....43 (10)	• . . duties of.....47
• . . first meetings.....43 (1-7)	• . . power to dismiss.....35 ¶ 3
• . . quorum.....43 (9)	• . . security by.....34 ¶ 7, 46
• . . school boards, of, to be open.....42 (1)	• . . failure of board to take.....53
• . . exclusion of certain persons.....42 (2)	• . . vacancy of seat
• . . special.....43 (12)	• . . declaration by judge.....50 (6), 52
• . . subsequent to first, time and place.....43 (11)	• . . trustee convicted of offence, etc., or absent.....51
• . . membership	• vice-chairman, election of.....43 (5)
• . . claim against board, effect.....50 (1)	
• . . contract with board, effect.....50 (1)	
• . . corporation shareholder or officer, effect.....50 (2)	
• . . newspaper proprietors, etc., qualification for.....50 (2)	
• . . relatives of employees not disqualified.....50 (2)	
• . . teachers and inspectors disqualified for own board.....49 (2,3)	
• . . oath of allegiance of members.....44 (3,4)	
• . . officers, security by.....46	
• . . failure of board to take.....53	
• Ontario Hospital Plan, contribution towards cost.....41 (2,3)	
• powers of.....35	
• school sites	
• powers as to— <i>See</i> School sites	
• secretary	
• . . appointment of.....34 ¶ 2, 43 (7)	
• . . delivery up of books or money	
• . . obligation.....93 (1), 94	
• . . wrongful refusal, effect.....93 (2-8)	
• . . duties of.....45	
• . . power to dismiss.....35 ¶ 3	
• . . secretary-treasurer	
• . . appointment of.....34 ¶ 2, 43 (7)	
• . . temporary.....43 (8)	
• . . delivery up of books or money	
• . . obligation.....93 (1), 94	
• . . wrongful refusal, effect.....93 (2-8)	
• . . taking of security from.....34 ¶ 7	
• sharing accommodation or services.....35b	
• teachers, dismissed, appoint- ment in place of.....26 (1)	
• teacher's employment, termination of.....25	
• temporary chairman, election of.....43 (6)	
• temporary secretary, appointment of.....43 (8)	
• transportation of pupils, powers as to.....37	
Boards of Education—<i>See</i> Boards	
Boards of reference	
• application for.....25 (3)	
• . . procedure followed by Minister.....27	
• chairman, powers of.....29 (1)	
• costs in disagreements.....32	
• direction	
• . . binding effect.....31 (1)	
• . . duty to issue.....30 (1)	
• . . failure to comply by either party.....31 (2,3)	
• . . notices to be sent to parties.....30 (2)	
• . . duty to inquire.....29 (1)	
• . . expenses, regulations as to.....33 (a)	
• . . hearing, time and place.....28	
• . . meetings <i>in camera</i>29 (2)	
• . . practice and procedure, regulations.....33 (b)	
• . . regulations as to.....33	
• . . remuneration of members, regulations.....33 (a)	
• . . report to Minister.....30 (1)	
Bond	
• for compulsory attendance.....15 (2)	
Books	
• restriction re sales.....95	
• . . exceptions.....95 (6,7)	
Business administrator	
• appointment.....36a (1)	
• . . duties.....36a (2)	
• . . status.....36a (3)	
Cadet corps	
• power of boards to establish.....35 ¶ 23	
Cafeterias	
• power of boards to operate.....35 ¶ 30	
Capital fund	
• defined.....1 (2) ¶ 2	
Census	
• children under 21, of.....11	
Chairman	
• right to vote.....43 (10)	

SECTION	SECTION
Charitable organizations	
• education of children in.....	35 ¶ 33
Collegiate institute	
• included in definition of high school.....	1 (2) ¶ 13
Commercial assessment	
• clerk to furnish board with.....	102 (1)
• defined.....	101 (a)
Communicable diseases	
• duties of principal as to.....	22 (2) (j)
• quarantine of teacher, salary during.....	17 (6)
Compulsory attendance	
• ages for.....	6 (1)
• auxiliary classes, at.....	57 (3)
• blind and deaf children.....	6 (3)
• bond for.....	15 (2)
• child under school age enrolled, effect.....	6 (4)
• employment certificates.....	13 (1,2)
• . revocation of.....	13 (3)
• excuse from • inquiries re.....	7 (2,3)
• . when authorized.....	6 (2)
• guardian	
• . defined for purposes of.....	2
• . duties of.....	6 (5)
• . penalty for neglect.....	15 (1)
• home permits.....	13 (1,2)
• . revocation of.....	13 (3)
• offences by corporations.....	15 (4)
• prosecution for.....	16
• offence by parent or guardian.....	15 (1)
• . bond for attendance of child.....	15 (2)
• . penalty for.....	15 (1)
• . prosecutions for.....	16
• parents	
• . duties of.....	6 (5)
• . penalty for neglect.....	15 (1)
• prosecutions for offences.....	16
• public school supporters at separate schools.....	6 (6)
• separate school supporters at public schools.....	6 (6)
Consultative committee	
• advisers.....	99a (4)
• both public and secondary.....	99a (3)
• formation	
• . county.....	99a (1)
• . district.....	99a (2)
• . secretary.....	99a (4)
• separate school supporter.....	99a (5)
Continuation school board	
<i>See—Boards</i>	
Continuation school district	
• defined.....	1 (2) ¶ 3
Continuation schools	
• included in definition of secondary schools.....	1 (2) ¶ 35
Contract	
• defined for purposes of Part III.....	24 (a)
Corporations	
• offences by • compulsory school attendance, re.....	15 (4)
• . prosecutions for.....	16
• . employment of teachers to sell books, etc.....	95 (3)
• shareholders or officers as trustees, effect.....	50 (2)
Cost of operation	
• defined.....	1 (2) ¶ 4
County judge	
• defined.....	1 (2) ¶ 5
Courses for teachers	
• power of boards to conduct.....	35 ¶ 27a
Current expenditure	
• defined.....	1 (2) ¶ 6
Current revenue	
• defined.....	1 (2) ¶ 7
Deaf children	
• compulsory school attendance.....	6 (3)
Debt charge	
• deficiency re, payable by board.....	106 (2)
• defined.....	1 (2) ¶ 8
• withholding of levy to meet.....	106 (1)
Definitions	
• for purposes of this Act, Department of Education Act, Secondary Schools and Boards of Education Act and Separate Schools Act.....	1
Dental inspection	
• power of boards to provide.....	35 ¶ 13
Department	
• defined.....	1 (2) ¶ 9
Director of education	
• appointment of.....	81 (6, 7), 82 (2)
• removal and suspension of.....	82 (2)
Discipline	
• duties of principal.....	22 (2) (a)
• . teacher.....	22 (1) (d)
Districts — <i>See Continuation school district; High school district; Secondary school district; Territorial district</i>	
Disturbances	
• school meeting or school, penalty.....	86
Division court	
• disputes re teachers' salaries, forum for.....	17 (8)
• . appeals to Court of Appeal.....	18
Documents	
• destruction of, authorization.....	35 ¶ 32
Elections — <i>See Boards</i>	

SECTION	SECTION
Elementary schools	
defined.....1 (2) ¶ 10	
principal— <i>See</i> Principal	
school year.....3 (1)	
. . . first term, dates.....3 (2)	
. . . second term, dates.....3 (3)	
. . . third term, dates.....3 (4)	
text books.....20	
Employed	
defined for purposes of Part III.....24 (b)	
Employees—<i>See</i> Boards	
Employment	
children of compulsory school age.....15 (3)	
Employment certificates	
issues and revocation.....13	
English language	
duty of teachers to use.....22 (1) (e)	
Equalized assessment	
defined.....1 (2) ¶ 11	
Estimates	
apportionment of.....103 (2)	
basis of rates, for.....103 (1)	
submission of, by board.....104	
Examinations	
duty of principal to hold.....22 (2) (d)	
Expenditure	
borrowing to meet.....100	
current, defined.....1 (2) ¶ 6	
Expropriation	
school sites, for— <i>See</i> School sites.....65	
Expulsion of pupils	
powers of board.....35 ¶ 22	
False declaration	
right to vote, re penalty.....85	
Fees	
calculation of.....100a	
boards, payable by.....100a (1)	
Canada, payable by.....100a (1)	
council in territorial district.....100a (3)	
Ontario, payable.....100a (1)	
payable, when.....100a (5)	
powers of board as to.....35 ¶ 19	
pupil in special education class, of.....100a (2)	
Finance	
borrowing by boards.....100	
. . . limitations.....100 (3,4)	
Group accident insurance	
power to provide.....35 ¶ 31	
Group insurance	
employees of boards, for.....41 (1) (a,b), (3)	
Guardian	
defined.....1 (2) ¶ 12	
. . . compulsory attendance, re.....2	
Guidance teachers	
appointment of.....35 ¶ 25	
Gymnasiums	
powers of boards.....35 ¶ 8	
High school board—<i>See</i> Boards	
High school district	
defined.....1 (2) ¶ 14	
honorarium and mileage allowance for trustees.....36	
High schools	
defined.....1 (2) ¶ 13	
included in definition of secondary school.....1 (2) ¶ 35	
Holidays	
school.....4	
rural areas, variation for.....5 (1)	
Home permits	
issue and revocation.....13	
Hospitalization services	
employees of boards, for.....41 (1) (c), (3)	
Improvement	
permanent, defined.....1 (2) ¶ 25	
Indian pupils	
accommodation and tuition.....35c (1, 2)	
appointment of representative for.....35c (3)	
fees.....100a (1)	
Inspectoretates	
defined.....1 (2) ¶ 16, 21	
municipal81	
. . . defined.....1 (2) ¶ 21	
. . . high school districts as.....81 (5)	
. . . school sections as.....81 (1, 2, 6, 7)	
. . . separate school zones as.....81 (3, 4)	
number of, determination by Minister.....80 (1)	
Inspectors—<i>See also</i> Inspectoretates	
acting as agent for sale of books, etc., offence and penalty.....95 (1-3,6)	
. . . gifts or payments as evidence.....95 (4)	
. . . prosecution, consent of Attorney-General.....95 (5)	
defined.....1 (2) ¶ 15, 20, 29	
disqualified as teacher or trustee.....49 (3)	
duties of.....84 (1,2)	
. . . evidence on oath, power to take.....84 (4)	
municipal81 (1-5, 8)	
. . . appointment of.....81 (8)	
. . . additional inspectors.....82 (2)	
. . . ratification by Minister.....82 (2)	
. . . defined.....1 (2) ¶ 20	
. . . duties of.....84 (1-3)	

SECTION	SECTION
Inspectors—Con.	
• municipal—Con.	
• more than one, assignment of duties.....82 (1)	
• number of.....81 (8)	
• provincial inspectors as.....81 (9, 10)	
• qualifications.....83 (5)	
• salary and expenses.....83 (7)	
• suspension by board.....83 (2)	
• payment or forfeiture of salary.....83 (3)	
• other employment or occupation prohibited.....83 (6)	
• provincial.....80 (2)	
• appointment of.....80 (2)	
• municipal inspectors, as.....81 (9, 10)	
• defined.....1 (2) ¶ 29	
• public school, appointment of.....81 (1, 2)	
• secondary school, appointment of.....81 (5)	
• separate school, appointment of.....81 (3, 4)	
• suspension or removal by Minister.....83 (1)	
• restriction on re-employment.....83 (4)	
• trustees disqualified for appointment by own board.....49 (1)	
Insurance	
• accident, power of boards to provide for.....33 ¶ 17	
• group, employees of boards, for.....41	
• pupils, for.....35 ¶ 36	
• school buildings, on.....34 ¶ 6	
• work experience, pupils on.....35 ¶ 34	
Itinerant teachers—See Teachers	
Judge	
• defined.....1 (2) ¶ 5	
• for Part III.....24 (c)	
• for Part VI.....62 (b)	
• duties re acquisition of land for school sites.....65 (3), 67, 69, 73, 75	
• member of board, disqualified from acting under Part VI.....63	
Juvenile and Family Courts Act	
• proceedings under.....15 (5, 6)	
Libraries	
• power of boards to maintain.....35 ¶ 11	
Licences	
• trailers, for, sharing of fees with school boards.....97	
Local association, retarded children	
• defined.....110 (b)	
• personal property vested.....114 (2)	
• real property, disposition.....111 (3)	
• request.....111 (1)	
• authority, to establish.....111 (1)	
• now operating school.....112	
• school premises provided by.....114 (1)	
Maintenance	
• defined.....110 (c)	
• rates for.....116 (2)	
Maintenance expenditure	
• defined.....1 (2) ¶ 18	
Medical inspection	
• power of boards to provide.....35 ¶ 13	
Metro Toronto	
• authority, retarded children.....113 (2)	
• municipality, as.....110 (d)	
• retarded children, attendance at school in.....115 (2)	
Milk	
• power of boards to purchase.....35 ¶ 9	
Minister	
• appeal from judgment in dispute re teacher's salary.....18	
• application to, for Board of Reference, procedure.....27	
• defined.....1 (2) ¶ 19	
• inquiry by, excuse from compulsory attendance, re.....7 (2)	
• inspectorates, determination of number.....80 (1)	
Municipal inspectorates—See Inspectorettes	
Municipal inspectors—See Inspectors	
Municipality	
• biennial or triennial elections of trustees.....54	
• clerk, failure to prepare school maps, penalty.....92	
• defined.....1 (2) ¶ 22, 42, 110 (d)	
• urban, defined.....1 (2) ¶ 42	
Natural science schools	
• acquisition of property for.....66a (1)	
• operation of.....66a (3)	
• provision of board at.....35 ¶ 29	
• taxation of.....66a (2)	
Oaths	
• administration by school inspectors.....84 (4)	
Occasional teachers—See Teachers	
Offences and penalties	
Official arbitrator	
• compensation for land acquired for school site, when required to act.....79	
Owner	
• defined for Part VI.....62 (c)	
Penalties and offence	
Pension	
• employees of boards, for.....38, 96 (1)	
Perfect aggregate attendance	
• defined.....1 (2) ¶ 24	
Permanent improvement	
• defined.....1 (2) ¶ 25	
Permanent teachers—See Teachers	
Playground	
• powers of boards.....35 ¶ 7	
Population of municipality	
• defined.....1 (2) ¶ 26a	

	SECTION		SECTION
Prescribed			
· defined.....	1 (2) ¶ 27		
Principal			
· appointment, duty of board.....	34 ¶ 10		
· duties of.....	22 (2)		
· reports to school attendance counsellor by.....	12 (1)		
Probationary teachers —See Teachers			
Promotions and transfers			
· duty of principal, re.....	22 (2) (e)		
Provincial inspectors —See Inspectors			
Provincial school attendance counsellors			
—See School attendance counsellors			
Psychiatrist or Psychologist			
· appointment of.....	35 ¶ 2a		
Public school board —See Boards			
Public school inspectors —See Inspectors			
Public schools			
· included in definition of elementary school.....	1 (2) ¶ 10		
Rates			
· collection of.....	35a		
· determination of.....	105 (1)		
· estimates for basis of.....	103 (1)		
· levy of.....	108		
Regulations			
· defined.....	1 (2) ¶ 30		
Religion			
· duties of teacher.....	22 (1) (c)		
Reports			
· duty of principal to prepare.....	22 (2) (e)		
Reserve fund			
· defined.....	1 (2) ¶ 31		
Residential and farm assessment			
· clerk to furnish board with.....	102 (1)		
· defined.....	101 (b)		
· reduction of school taxes on.....	101-109		
Retarded child			
· admission to school.....	115, 117		
· defined.....	110 (e)		
· right of, to attend school.....	115		
Retarded children's educational authorities			
· provisions re.....	110-120		
Retirement allowances			
· employees of boards, for.....	40, 96 (3)		
Revenue			
· current, defined.....	1 (2) ¶ 7		
Rural school section			
· defined.....	1 (2) ¶ 32		
School attendance counsellors			
· activities of, by whom directed.....	10 (3)		
· appointment of.....	8 (1-3)		
· notice of.....	8 (4)		
· provincial officers.....	7 (1)		
· employment certificates, issue and revocation.....	13		
· home permits, issue and revocation.....	13		
· inquiries by.....	10 (4)		
· provincial officers.....	7 (3)		
· jurisdiction and responsibility.....	9		
· none having jurisdiction, effect.....	12 (2)		
· powers of.....	10 (1)		
· provincial			
· · appointment of.....	7 (1)		
· · inquiry by.....	7 (3)		
· · powers of.....	7 (4)		
· · trustee, as, where trustees in unorganized territory neglectful.....	14		
· reports by.....	10 (2)		
· vacancies in office.....	8 (3)		
School boards —See Boards			
School for retarded children			
· admission of child.....	115, 117		
· authority to operate.....	111 (1)		
· closing of.....	118		
· levy of rates for.....	116 (2)		
· premises for.....	114 (1)		
School holidays	4, 5 (1)		
School inspectors —See Inspectors			
School meetings			
· disturbance of, penalty.....	86		
· rural			
· · failure of chairman to transmit minutes, penalty.....	88		
· · failure to call, penalty.....	91		
· voting, false declaration of right, penalty.....	85		
School reports			
· duty of principal to prepare.....	22 (2) (e)		
School section			
· defined.....	1 (2) ¶ 32, 33, 43		
· rural, defined.....	1 (2) ¶ 32		
· urban, defined.....	1 (2) ¶ 43		
School sites			
· acquisition of land for.....	65-78		
· adjoining high school district, in.....	65a		
· adjoining school section, in.....	65a		
· · adjoining township, in.....	65 (2)		
· · no exemption from taxation.....	65 (3)		
· compensation			
· · determination of.....	69		
· · · official arbitrator, by.....	79		
· · · interest payable to owner.....	70		
· · payment of.....	77		
· · · severance, damage caused by.....	73		

SECTION	SECTION	
School sites—<i>Con.</i>		
. adjoining school section— <i>Con.</i>		
. . compensation— <i>Con.</i>		
. . . stands in stead of the land, conversion of claims.....	78	
. . . costs of arbitration.....	75	
. . . desistment after amount fixed, right of board.....	74	
. . . encumbra... etc., determination of claims by.....	72	
. . . general power.....	65 (1)	
. . . immediate entry, order for.....	67	
. . . outside city or town.....	66 (1)	
. . . assessment and taxation.....	66 (2)	
. . . disposition of when no longer required.....	66 (5)	
. . . expropriation not authorized.....	66 (4)	
. . . restriction on building.....	66 (4)	
. . . owner unknown.....	71	
. . . vesting order.....	76	
. . . who may convey to board.....	68 (1)	
. . . where no person capable.....	68 (2)	
. defined.....	1 (2) ¶ 34	
. expropriation for— <i>see</i> acquisition of land for		
. judge as member of board, disqualified from acting under Part VI.....	63	
. land for— <i>see</i> acquisition of land for		
. power of boards to acquire or rent.....	35 ¶ 5	
. purchase of, in adjoining section.....	65a	
School supplies		
. provision of, by boards.....	35 ¶ 10	
School terms		
. dates of.....	3 (2-4)	
. territorial district, in.....	5 (2)	
School year	3 (1)	
Schools—<i>See also</i>		
Continuation schools; Elementary schools; High schools; Public schools; Secondary schools; Separate schools; Summer schools		
. building of, power of boards.....	35 ¶ 6	
. disturbance of, penalty.....	86	
Secondary school district		
. defined.....	1 (2) ¶ 36	
Secondary schools		
. defined.....	1 (2) ¶ 35	
. inspectors— <i>see</i> Inspectors		
. principal— <i>see</i> Principal		
. school year.....	3 (1)	
. . . terms, dates.....	3 (2-4)	
. text books.....	20	
Secretary—<i>See Boards</i>		
Secretary-treasurer—<i>See Boards</i>		
Separate school board—<i>See Boards</i>		
	Separate schools	
	. included in definition of elementary school.....	1 (2) ¶ 10
	Separated town	
	. defined.....	1 (2) ¶ 38
	Sick leave credits	
	. employees of boards, for.....	39, 96 (2)
	Special education programmes	
	. power of boards to establish.....	35 ¶ 37
	. power of boards to assume.....	35 ¶ 38
	Summer schools	
	. power of boards to establish.....	35 ¶ 27
	Superintendents	
	. appointment of.....	82 (1, 2)
	. removal and suspension of.....	82 (2)
	Suspension of pupils	
	. duties of principal.....	22 (2) (k)
	Teachers	
	. acting as agent for sale of books, etc., offence and penalty.....	95 (1-3, 6)
	. . . gifts or payments as evidence.....	95 (4)
	. . . prosecution, consent of Attorney-General required.....	95 (5)
	. appointment.....	
	. . . duty of board.....	34 ¶ 10
	. . . in place of dismissed teacher.....	26 (1)
	. . . defined.....	1 (2) ¶ 17, 23, 26, 28, 39, 40
	. . . for purposes of Part III.....	24 (d)
	. . . dismissed, appointment by board in place of.....	26 (1)
	. . . duties of.....	22 (1)
	. . . false registers or returns, penalty for.....	90
	. . . guidance, appointment of.....	35 ¶ 25
	. . . itinerant.....	
	. . . defined.....	1 (2) ¶ 17
	. . . salary.....	17 (4, 5)
	. . . maternity leave for.....	35 ¶ 35
	. . . membership of board, disqualification for.....	49 (2)
	. . . occasional, defined.....	1 (2) ¶ 23
	. . . permanent.....	
	. . . defined.....	1 (2) ¶ 26
	. . . memorandum of contract with board.....	17 (1)
	. . . separate schools, may include board and lodging.....	17 (2)
	. . . probationary.....	
	. . . defined.....	1 (2) ¶ 28
	. . . memorandum of contract with board.....	17 (1)
	. . . separate schools, may include board and lodging.....	17 (2)
	. . . qualifications.....	
	. . . certificate of, to whom issuable.....	19 (3)

SECTION	SECTION
Teachers—Con.	Transportation of pupils
• qualifications— <i>Con.</i>	• agreements.....37 (5)
• certificate of, to whom issuable— <i>Con.</i>	• powers of boards.....37
• period of validity.....19 (4)	• retarded children.....119
• must be qualified as prescribed.....19 (1)	• unorganized territory, in.....37 (2a, 2b)
• salary of.....17 (3)	
• disputes with board	Treasurer—See Boards
• appeals.....18	• power of boards to assume.....35 ¶ 38
• award of penalty by judge.....17 (9)	
• determined in division court.....17 (8)	Trustees—See also Boards
• during absence	• acting as agent for sale of books, etc., offence and penalty.....95 (1-3,6)
• as witness in court.....17 (7)	• gifts or payments as evidence.....95 (4)
• due to quarantine.....17 (6)	• prosecution, consent of Attorney-General required.....95 (5)
• for sickness or dental condition.....17 (4)	• acting while disqualified, penalty.....87 (3)
• itinerant teachers.....17 (5)	• biennial elections of.....54 (1)
• temporary teachers.....17 (4a)	• holding office before first.....54 (2)
• failure of board to pay, no written agreement.....17 (10)	• claim against board, effect.....50 (1)
• school property, refusal to give up.....21	• contracts with own board, effect.....50 (1-3)
• sickness, during term.....17 (4-5)	• convicted of offence or ill or absent, effect.....51
• temporary, defined.....1 (2) ¶ 40	• corporation shareholders or officers, effect.....50 (2)
• termination of employment	• failure to perform duties, penalty.....87 (2)
• disagreement, application for Board of Reference.....25 (3,4)	• false report, wilful signing of, penalty.....90
• method.....25 (1,2)	• honorarium36 (2)
• voluntary, contracts with other boards following.....26 (2)	• chairman.....36 (2a)
• text books, use of.....20	• deduction re absence.....36 (6)
• trustees disqualified for appointment by own board.....49 (1)	• proprietor of publication, effect.....50 (2)
Teachers' Boards of Reference	• refusal to serve after election, penalty.....87 (1)
—See Boards of Reference	• relative of employee, effect.....50 (2)
Temporary teachers—See Teachers	• resignation of.....44a
Terms See School terms	• travelling expense.....36 (5)
Territorial districts	• triennial elections of.....54 (1)
• schools, terms in.....5 (2)	• holding office before first.....54 (2)
Text books	• unorganized territory, in, effect where neglectful.....14
• approved, change of.....20 (3)	
• free.....34 ¶ 11	
• power of boards to supply.....35 ¶ 10	
• unapproved	Unorganized territory
• duty of principal to prevent use.....22 (2) (f)	• collection of rates in.....35a
• effect when used.....20 (1,2)	• trailers located in.....98
Township	• trustees neglectful, effect.....14
• defined.....1 (2) ¶ 41	
Township school area	Urban municipality
• honorarium or mileage allow- ance for trustees.....36	• defined.....1 (2) ¶ 42
Trailers	• defined.....1 (2) ¶ 43
• licence fees, sharing with school boards.....97	
• unorganized territory, in, fees for.....98 (1-3)	Visitors' book
• failure to pay.....98 (6)	• duty of principal to keep.....22 (2) (i)
• notice required from board.....98 (4,5)	
	Vocational school
	• secondary school, included in definition of.....1 (2) ¶ 35
	Winter courses
	• power of boards to establish....35 ¶ 27a
	Work experience programmes
	• insurance re.....35 ¶ 34



The Secondary Schools and Boards of Education Act

Revised Statutes of Ontario, 1960

CHAPTER 362

as amended by

1960-61, Chapter 93; 1961-62, Chapter 131;
1962-63, Chapter 130; 1964, Chapter 106; 1965, Chapter 119;
1966, Chapter 141; and 1967, Chapter 91

1967

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PARTIAL LIST

of the Acts Pertaining to the

ADMINISTRATION OF EDUCATION IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Secondary Schools and Boards of Education Act

R.S.O. 1960, CHAPTER 362

as amended by

1960-61, Chapter 93; 1961-62, Chapter 131;
1962-63, Chapter 130; 1964, Chapter 106; 1965, Chapter 119;
1966, Chapter 141; and 1967, Chapter 91

1.—(1) REPEALED: 1964, c. 106, s. 1 (1).

(2) A person is a resident pupil with respect to a secondary school district, ^{resident pupils},

- (a) if he resides with his parent or guardian in the secondary school district; or
- (b) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount at least equal to the total assessment in the preceding year of property taxable for secondary school purposes in the secondary school district divided by four times the average daily attendance of resident pupils in that year; or
- (c) if he resides and is assessed in the secondary school district or if he is over eighteen years of age and has resided in the secondary school district for the twelve months immediately before his admission to a secondary school in the secondary school district;

but a person is not a resident pupil under clause *a* if he resides with his parent or guardian on land that is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for and pays taxes for school purposes in the secondary school district. R.S.O. 1960, c. 362, s. 1 (2); 1960-61, c. 93, s.1 (1); 1966, c. 141, s. 1.

(3) REPEALED: 1964, c. 106, s. 1 (3).

PART I

CONTINUATION SCHOOLS

Continuation school established by one board continued

2.—(1) A continuation school that was established under subsection 1 of section 2 of this Act as it existed before this subsection came into force and that was being operated immediately before this subsection came into force is continued until dissolved in accordance with this Part. 1962-63, c. 130, s. 1, *part*.

Board

(2) A continuation school established under subsection 1 shall be under the control and management of a board composed of the members of the board by which it is established, and the board is a corporation by the name of "The Board of Trustees of the Continuation School of.....". R.S.O. 1960, c. 362, s. 2 (2).

Continuation school established by two or more boards continued

(3) A continuation school that was established by an agreement entered into under subsection 3 of section 2 of this Act as it existed before this subsection came into force and that was being operated immediately before this subsection came into force is continued until dissolved in accordance with this Part. 1962-63, c. 130, s. 1, *part*.

Agreement

(4) An agreement under subsection 3 shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be levied on the property liable to assessment and taxation for the purposes of each of the boards concerned or shall provide for the manner in which such proportion shall be determined.

Board

(5) A continuation school established under subsection 3 shall be under the control and management of a board composed of such number of the members of each of the boards by which it is established, not exceeding two-thirds of the members of any such board, as the agreement provides, and the board is a corporation by the name of "The Board of Trustees of the Continuation School of....." (*inserting a name selected by the board and approved by the Minister*).

Time for appointments

(6) Each of the boards by which a continuation school is established under subsection 3 shall make its appointments to the continuation school board at its first regular meeting in each year.

Amendment of agreement

(7) An agreement under subsection 3 may be amended from time to time by further agreements among the boards concerned with respect to,

- (a) the apportionment of the cost of the establishment and maintenance of the continuation school or the manner in which the apportionment shall be determined; and
- (b) the number of members of each of the boards concerned who shall be members of the continuation school board. R.S.O. 1960, c. 362, s. 2 (4-7).

(8, 9) REPEALED: 1964, c. 106, s. 2.

3.—(1) A continuation school shall not be established or Continuation school prohibited in maintained in any part of a high school district. high school district

(2) Where a high school district includes within its limits any property within a continuation school district, such property shall not be assessed for the purposes of the continuation school. R.S.O. 1960, c. 362, s. 3. Overlapping high and continuation district boundaries

4.—(1) Subject to section 5, all sums required for the Taxation support of a continuation school, after deducting the revenues derived from legislative grants, any county or other municipality, fees, and from all other sources, shall be provided for by levies,

- (a) where the school is established by one or more public school boards, on the property liable to assessment and taxation for public school purposes in the school section or sections;
- (b) where the school is established by a separate school board, on the property liable to assessment and taxation for the purposes of the separate school or schools under the jurisdiction of the separate school board;
- (c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the school section or sections and on the property liable to assessment and taxation for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards.

(2) Where the board of a union school section establishes a continuation school by itself or by agreement with another Apportion-
ment of cost in board or boards, the council of each municipality which, or union school part of which, is included in the union school section shall levy section and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining the continuation school accord-

R.S.O. 1960,
e. 330

ing to the equalized assessment, as provided by *The Public Schools Act*, of the part of the union school section situated in the municipality.

Estimates

(3) A continuation school board shall prepare and submit to the municipal council or councils liable under this Act, on or before the date prescribed by the council or councils, estimates for the current year of all sums required to be provided by the council or councils to meet expenditures for the continuation school and for the payment of fees of resident pupils attending secondary schools outside the continuation school district that they have the right to attend as resident pupils, and such estimates shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees, and from all other sources. R.S.O. 1960, c. 362, s. 4.

**Board and
maintenance
where town-
ship school
area absorbs
continuation
school**

5.—(1) Where a township school area absorbs a former school section in which a continuation school has been established under subsection 1 of section 2, or two or more former school sections the boards of which have established a continuation school by agreement under subsection 3 of section 2, then at the option of the township council and subject to the approval of the Minister,

(a) the members of the township school area board shall constitute the continuation school board, and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the township school area; or

(b) trustees shall be elected annually for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and the continuation school board shall be composed of,

(i) where only one former school section is absorbed, three trustees, and

(ii) where two or more former school sections are absorbed, two trustees from each such former school section,

and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the former school section or sections.

R.S.O. 1960,
e. 330

(2) Where a township school area absorbs a former school ^{Idem} section or sections the board or boards of which have established a continuation school by agreement under subsection 3 of section 2 in conjunction with one or more separate school boards, then at the option of the township council and subject to the approval of the Minister,

- (a) the members of the township school area board and two members appointed by each separate school board that is a party to the agreement shall constitute the continuation school board, and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the township school area and on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards; or
- (b) trustees shall be elected for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* for the election of rural school trustees and shall be appointed by the separate school board or boards, and the continuation school board shall be composed of,
 - (i) two trustees to be elected annually from each former school section so absorbed, and
 - (ii) two trustees to be appointed annually from among its members by each separate school board that is a party to the agreement,

and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the former school section or sections and on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards.

- (3) Where a township school area absorbs some but not all of the school sections the boards of which have established a continuation school by agreement under subsection 3 of section 2, whether in conjunction with one or more separate school boards or not, trustees shall be elected for the continuation school board by the electors of the former school section or sections in the manner provided in *The Public Schools Act* <sup>Where all
school
sections not
absorbed</sup> <sub>R.S.O. 1960,
c. 330</sub> by the election of rural school trustees and shall be appointed for each separate school board that is a party to the agreement, and the continuation school board shall be composed of,

- (a) two trustees to be elected annually from each former school section so absorbed;
- (b) two trustees to be appointed annually from among its members by the board of each other school section that is a party to the agreement and is not absorbed in the township school area; and
- (c) two trustees to be appointed annually from among its members by each separate school board that is a party to the agreement.

**Where
section in
which school
established
not absorbed**

(4) Notwithstanding subsection 3, where the school section in which the continuation school was established by agreement under subsection 3 of section 2 is not absorbed in the township school area, the township council may, subject to the approval of the Minister, provide that the continuation school board shall be composed of,

- (a) one trustee to be elected annually by the electors of each former school section that is a party to the agreement and is absorbed in the township school area, in the manner provided in *The Public Schools Act* for the election of rural school trustees;
- (b) two trustees to be appointed annually from among its members by the board of the school section that is a party to the agreement and in which the continuation school is situated;
- (c) one trustee to be appointed annually from among its members by the board of each other school section that is a party to the agreement and is not absorbed in the township school area; and
- (d) one trustee to be appointed annually from among its members by each separate school board, if any, that is a party to the agreement.

**Cost of
maintenance**

(5) Where the continuation school board is constituted as provided in subsection 3 or 4, the cost of maintaining the continuation school shall be provided by levies,

- (a) on the property liable to assessment for public school purposes in each school section that is a party to the agreement and is not absorbed in the township school area;
- (b) on the property liable to assessment for public school purposes in each former school section that is a party to the agreement and is absorbed in the township school area; and

- (c) on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of each separate school board, if any, that is a party to the agreement.

(6) Where the township council decides that the continuation school board shall be composed as provided in clause *b* of subsection 1, clause *b* of subsection 2, or subsection 3 or 4,

- (a) it shall notify the secretary of the continuation school board who shall call meetings of the electors of each former school section absorbed in the township school area for the purpose of electing one or more trustees, as the case requires, from each such former school section who shall hold office for one year;
- (b) the cost of such elections shall be borne by the continuation school board; and
- (c) upon a trustee being elected under clause *a*, the chairman of the meeting at which the trustee was elected shall notify the secretary of the continuation school board of the name of the trustee. R.S.O. 1960, c. 362, s. 5.

(7) Where a continuation school board has jurisdiction in a portion but not all of a township school area and in a portion but not all of an area under the jurisdiction of a combined separate school board, and the agreement that was entered into by the former elementary school boards is not renewed in any year by the trustees elected or appointed by either the public school ratepayers or the separate school supporters or either group of trustees gives notice in writing to the secretary of the continuation school board before the 1st day of July in any year that it wishes to cancel the agreement, the portion of the continuation school district that it represents shall be detached as of the 31st day of December of that year, and the assets and liabilities shall be disposed of under subsection 2 of section 6, and the remaining portion of the district shall continue until altered or dissolved under this Part. 1962-63, c. 130, s. 2.

6.—(1) Subject to the approval of the Minister, the board of a continuation school established under subsection 1 of section 2 may by resolution dissolve the continuation school, whereupon all the assets and liabilities of the board, subject to subsection 4, become assets and liabilities of the board by which it was established.

Idem

(2) Subject to the approval of the Minister, the board of a continuation school established by agreement under subsection 3 of section 2 may by resolution dissolve the continuation school, whereupon all the assets and liabilities of the board, subject to subsection 4, become assets and liabilities of the respective boards by which it was established according to the terms of the agreement or as may be agreed upon among the boards concerned.

Idem

(3) Where the board of a continuation school ceases to operate the school but does not pass a resolution dissolving the school under subsection 1 or 2, the Minister on the report of the inspector concerned may direct the dissolution of the school as of the 31st day of December in the year in which the school is closed, and the board shall be deemed to have passed a resolution under subsection 1 or 2, as the case may be, with the approval of the Minister, dissolving the school as of that date.

Where continuation school district absorbed as part of high school district

(4) Where a continuation school district is absorbed into a high school district, the continuation school shall be dissolved as of the date of the absorption, and the high school board and the board or boards by which the continuation school was maintained shall each appoint a representative who, with the clerk of each municipality which, or any part of which, was included in the continuation school district, shall be arbitrators to value and determine the rights and obligations of the boards and municipalities with respect to,

- (a) the assets and liabilities of the continuation school board; and
- (b) the disposition of the property of the board.

Arbitration and report

(5) The secretary of the high school board of the district in which the former continuation school was located shall, within thirty days of such absorption, call a meeting of the arbitrators designated under subsection 4, who shall forthwith proceed to determine the rights and obligations of the respective boards and municipalities and report their findings to the secretary of the high school board and to the Minister. R.S.O. 1960, c. 362, s. 6 (1-5).

Appeal

(6) The secretary of the high school board shall forthwith send by registered mail a copy of the award to the secretary of each elementary school board that established the continuation school district and to the council of each municipality in which the continuation school district was located, and any such elementary school board, the high school board or the council may, within twenty days of the receipt of a copy of the award, appeal from the award to the county judge, whose decision is final. 1961-62, c. 131, s. 1.

(7) For the purpose of this section, the members of the continuation school board in office at the date of the dissolution shall continue to function as a continuation school board until,

- (a) the assets and liabilities of the board have been distributed as provided in subsection 1 or 2; or
- (b) the award of the arbitrators, or the decision of the judge on appeal therefrom, has been made under subsection 4 and the assets, liabilities and property of the board have been disposed of in accordance with the award or decision.

(8) Where a board continues to function under subsection 7, the accounts of the board are subject to audit in the same manner as before the dissolution. R.S.O. 1960, c. 362, s. 6 (7, 8).

7.—(1) A continuation school board has, in respect of the continuation school, all the powers conferred on public or separate school boards as to acquiring school sites, erecting buildings and additions to buildings, and providing equipment for and paying the cost of permanent improvements and of the maintenance of such continuation schools.

(2) Such of the provisions of *The Public Schools Act* as are applicable and are not inconsistent with this Part shall be read as part of this Part. R.S.O. 1960, c. 362, s. 7.

PART II

HIGH SCHOOLS

8.—(1) Except in a territorial district, no high school district shall be established, nor shall the boundaries of an existing high school district be altered, so as to result in a district in which all the municipalities, or parts of municipalities, included in the district are not adjoining, or to result in a district comprising less than sixteen school sections and former school sections, unless the enrolment during the preceding year of public and separate school pupils in the area to be included in the district is 600 or more, or the district is established under subsection 5 of section 12, or is on an island. R.S.O. 1960, c. 362, s. 8 (1); 1965, c. 119, s. 1.

(2) During the month of December in each year, every county clerk shall prepare a map of the county showing the boundaries of each high school district within or partly within the county as they will exist on the 1st day of January of the following year.

By-laws establishing or altering districts

(3) Where a new high school district is established in a county or the boundaries of an existing high school district in a county are altered, the county clerk shall forward a copy of the by-law establishing or altering the district, not later than thirty days after the passing of the by-law, to,

- (a) the Minister;
- (b) the secretary of the board of the new district or of the district of which the boundaries are altered; and
- (c) the clerk of each municipality which or any part of which is situated within the new district or the district of which the boundaries are altered. R.S.O. 1960, c. 362, s. 8 (2, 3).

Existing districts confirmed

9. Whenever a high school district has existed in fact for three months or more before the 1st day of May, 1954, and whether it has been formed in accordance with the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if the district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of the district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that the district has not been legally formed. R.S.O. 1960, c. 362, s. 9.

Interpretation

10. In sections 8 and 11 to 15, "adjoining" means touching at any point, and,

- (a) where more than two counties are concerned, they shall be deemed to be adjoining if each county adjoins one of the other counties; and
- (b) for the purposes of a high school district comprising more than two municipalities or parts of municipalities, the municipalities or parts shall be deemed to be adjoining if each municipality, and each part of a municipality, included in the district adjoins some other municipality, or part of a municipality, included in the district. R.S.O. 1960, c. 362, s. 10.

Cities and separated towns to be districts

11.—(1) Subject to subsection 2, every city and separated town is a high school district.

Discontinuance of district

(2) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law discontinue its high school district, and,

(a) provide for the inclusion of the city or separated town in a new high school district; or

(b) provide for the addition of the city or separated town to an existing high school district. R.S.O. 1960, c. 362, s. 11 (1, 2).

(3) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law provide that the whole or part of a municipality or municipalities adjoining the city or separated town, or adjoining the high school district of which the city or separated town forms a part, be added to the high school district of the city or separated town or to the high school district of which it forms a part, as the case may be. 1962-63, c. 130, s. 3.

12.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties may by by-law establish the whole or any part of a municipality or the whole or parts of two or more adjoining municipalities situated within the county or counties as a new high school district, and the council of a county or the councils of two or more adjoining counties may in like manner discontinue any high school district already established within the county or counties and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other high school districts or include such municipalities or parts in one or more new high school districts. R.S.O. 1960, c. 362, s. 12 (1); 1967, c. 91, s. 1 (1).

(1a) Where in any year as a result of the alteration of the boundaries of a continuation school district or the dissolution of a continuation school the whole or any part of a municipality in a county ceases to be included in a secondary school district, the council of the county in which the municipality or part is situate shall, by by-law passed before the 1st day of July in any year, attach such municipality or part to a high school district in accordance with subsection 1 of section 8, and such by-law shall become effective, notwithstanding section 20, on the 1st day of January next following the 31st day of December on which the alteration or dissolution is effective. 1965, c. 119, s. 2 (1).

(2) Where two continuation schools have been established in a village, the council of the county in which the village is situated may include the village in a high school district, and, notwithstanding the provisions of section 3, may by by-law provide that the property liable to assessment and taxation for the purposes of one of the continuation schools in any year

may continue to be assessed and taxed for the purposes of a continuation school and excluded from assessment and taxation for high school purposes in such year. R.S.O. 1960, c. 362, s. 12 (2).

In territorial districts

(3) Subject to the approval of the Minister, the council of a municipality or the councils of two or more municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district, and the council of a municipality or the councils of two or more municipalities in a territorial district may in like manner discontinue any high school district already established and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other high school districts or include such municipalities or parts in one or more new high school districts. 1965, c. 119, s. 2 (2); 1967, c. 91, s. 1 (2).

In unorganized territory

(4) The Lieutenant Governor in Council may establish any area in territory without municipal organization, or any such area and a municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and if any such high school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board. R.S.O. 1960, c. 362, s. 12 (4); 1965, c. 119, s. 2 (3).

On exempt land

(5) Where, in the opinion of the Minister, it is desirable to establish and maintain a high school on lands held by the Crown in right of Canada or Ontario, or an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a high school district, and may appoint as members of the board such persons as he may deem proper, and the board so appointed is a corporation by the name indicated in the order establishing the high school district, and has all the authority of a board of high school trustees for the purposes of this Act.

First meeting of new board

(6) The clerk of the municipality shall call the first meeting of a new board, but where the new high school district extends beyond one municipality the clerk of the municipality having the largest population within the district shall call the first meeting. R.S.O. 1960, c. 362, s. 12 (5, 6).

Enlargement of districts

13.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may by by-law provide that the whole or

any part of any municipality or municipalities situated within the county or counties and adjoining the high school district shall be added to the high school district. R.S.O. 1960, c. 362, s. 13 (1).

(2) Subject to the approval of the Minister, the council of a ^{In territorial} municipality or the councils of two or more municipalities, ^{districts} in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district that has been established in one or more of such municipalities. R.S.O. 1960, c. 362, s. 13 (2); 1965, c. 119, s. 3.

(3) Notwithstanding subsection 2, the council of a town ^{High school} ^{district of} ^{town and} ^{adjoining} ^{municipality} in a territorial district in which town a high school district has been established, and the council of an adjoining municipality that has a population of 2,000 or more in which a high school district has not been established, shall, upon the request of the council of either the town or the municipality, pass by-laws providing that the adjoining municipality shall be added to the high school district of the town that it adjoins. R.S.O. 1960, c. 362, s. 13 (3).

14. Where a high school district is enlarged, the assets ^{Assets and} ^{liabilities} ^{where high} ^{school} ^{district} ^{enlarged} of the board of the district and of any high school district added thereto are forthwith vested in and the liabilities thereof forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. R.S.O. 1960, c. 362, s. 14.

15.—(1) Subject to the approval of the Minister, the ^{Decreasing} ^{districts} council of a county or the councils of two or more adjoining counties that has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality that forms part thereof and shall add the municipality or part to another high school district or establish a new high school district including the municipality or part that has been detached.

(2) Subject to the approval of the Minister, where a high ^{Idem} school district has been established in a territorial district, the whole or any part of a municipality that forms part of the high school district may be detached from the high school district by a by-law passed by each municipality the whole or part of which is included in the high school district, provided that the municipality or part detached is added to another high school district or established into a new high school district by a by-law passed by each municipality the whole or part of which is to be included in the high school district as

enlarged by the proposed addition or in the proposed new high school district. R.S.O. 1960, c. 362, s. 15 (1, 2).

**Adjustment
of assets
and
liabilities**

(3) Where a municipality or part of a municipality is detached from a high school district that is wholly within a county, the county council shall appoint one arbitrator, who, with the county judge and a secondary school inspector appointed by the Minister, shall value and adjust, in an equitable manner, the assets and liabilities of the board of the high school district that exist on the date that the detachment is effective and determine the amount of money to be paid by a board or municipality to any other board or municipality and the manner in which the payment shall, in each case, be made.

Idem

(4) Where the high school district includes any combination of part or all of one or more counties and one or more cities or separated towns, the council of each county, city or separated town shall appoint an arbitrator, who, with the county judge and a secondary school inspector appointed by the Minister, shall be arbitrators for the purposes of subsection 3.

Idem

(5) Where the high school district includes municipalities or parts of municipalities in the territorial districts or territory without municipal organization, the council of each municipality and the school board on behalf of the territory without municipal organization shall each appoint an arbitrator, who, with the district judge and a secondary school inspector appointed by the Minister, shall be the arbitrators for the purposes of subsection 3.

**Payment of
liability**

(6) Where the award of the arbitrators directs the payment of a sum of money, the corporation that is liable may make the payment from current funds or, without the assent of the electors, may issue debentures for the amount of the liability in the manner provided in *The Municipal Act*.

Arbitrators

(7) An arbitrator appointed by a council or school board shall not be a resident or a ratepayer of any high school district concerned or a member of the municipal council or school board concerned. 1960-61, c. 93, s. 2.

**Conditions
re by-laws**

16.—(1) No by-law,

(a) passed under subsection 1 of section 12 establishing a new high school district, by which a city or separated town is included in the high school district; or

(b) passed under subsection 1 of section 13 adding a city or separated town to an existing high school district,

is effectual unless the council of the city or separated town

R.S.O. 1960,
c. 249

passes a by-law under subsection 2 of section 11. R.S.O. 1960, c. 362, s. 16 (1).

(2) No by-law passed under subsection 3 of section 11^{Idem} adding the whole or part of one or more municipalities adjoining a city or separated town, or adjoining the high school district of which the city or separated town forms a part, to the high school district of the city or separated town, or to the high school district of which the city or separated town forms a part, is effectual unless the council of the county or the councils of the counties, in which the municipality or municipalities comprising the high school district and the municipality or municipalities to be added to the high school district are situated, pass a by-law or by-laws under subsection 1 of section 12 or subsection 1 of section 13. 1962-63, c. 130, s. 4.

17. No by-law discontinuing, or detaching the whole or any part of a municipality from, a high school district that includes a city or separated town is effectual unless it is approved by a by-law passed before the 1st day of July in the same year by the council of each city and separated town in the high school district. R.S.O. 1960, c. 362, s. 17.

18. Where a high school district is discontinued and the municipality or municipalities comprising the district form part of a new high school district or are included in an enlarged high school district, the assets of the board of the discontinued district forthwith vest in and the liabilities thereof forthwith become the liabilities of the board of the new or enlarged high school district, as the case may be, unless otherwise provided by the by-law or by-laws discontinuing the high school district or by a by-law or by-laws subsequently passed with the approval of the Minister. R.S.O. 1960, c. 362, s. 18.

19. Where a high school district is discontinued, enlarged or decreased, the members of the board in office at the date of the discontinuance, enlargement or decrease shall continue to function as a high school board for the purpose of the disposition of assets and liabilities until such assets and liabilities have been disposed of as provided by the by-law or by-laws discontinuing, enlarging or decreasing the district or by a subsequent by-law or by-laws passed with the approval of the Minister, and the accounts of the board are subject to audit in the same manner as before the discontinuance, enlargement or decrease. R.S.O. 1960, c. 362, s. 19.

20. A by-law under section 11, subsection 1, 2, 3, 4 or 5^{Time of passing and effective date of by-law} of section 12 or section 13 or 15 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following its approval by the Minister or on

such other date as is provided for in the by-law, which date may be the 1st day of January of the year in which the by-law is approved by the Minister. 1967, c. 91, s. 2.

**Trustee,
qualification**

21.—(1) Subject to subsection 2, a person is qualified to be appointed as a trustee of a high school board,

- (a) who is a Canadian citizen;
- (b) who is of the full age of twenty-one years;
- (c) who is a resident in the high school district or within five miles of the boundaries thereof; and
- (d) who is a ratepayer of the high school district. 1962-63, c. 130, s. 5, *part*.

**dis-
qualification**

(2) A person is not qualified to be appointed as a trustee of a high school board,

- (a) who is,
 - (i) a member of any other elementary school board or board of education, or
 - (ii) a member of the council of a municipality or county all or part of which is included in the high school district, or
 - (iii) an elected member of a local board of a municipality or county all or part of which is included in the high school district,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be, or

- (iv) on the effective date of his appointment, a member of another high school board;
- (b) who is the clerk or treasurer of a municipality or county all or part of which is included in the high school district;
- (c) who is otherwise disqualified under this or any other Act; or
- (d) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of appointment, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable

by the owner of the property, and the rental therefor is not overdue and unpaid at the time of appointment. 1962-63, c. 130, s. 5, *part*; 1966, c. 141, s. 2.

(3) A person is qualified to act as a trustee during the term for which he was appointed so long as he continues to have the qualifications mentioned in subsection 1 or 5, as the case may be, and does not become disqualified under clauses *a* to *d* of subsection 2.

(4) The following persons shall be deemed ratepayers under clause *d* of subsection 1:

- (a) a person whose name is entered on the last revised assessment roll;
- (b) the husband or wife of a person assessed as actual owner or tenant of land in the high school district for an amount sufficient to entitle him or her to vote at municipal elections;
- (c) the son or daughter of a person assessed as the owner of a farm in the high school district if he or she is resident on the farm with the assessed owner; and
- (d) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the high school district if he or she resides on the farm with the assessed owner.

(5) Notwithstanding clauses *c* and *d* of subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is otherwise qualified under this section is qualified to be appointed as a trustee by the county council.

(6) For the purposes of this section, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof. 1962-63, c. 130, s. 5, *part*.

22.—(1) Where a high school district comprises one or more municipalities not separated from the county for municipal purposes, or one or more municipalities in a territorial district, trustees shall be appointed by the council or councils of the municipality or municipalities included in the district,

- (a) where the district comprises only one municipality, the council shall appoint three trustees, one of whom shall retire each year;
- (b) where the district comprises two municipalities,
 - (i) the council of a municipality having a population within the district of 3,000 or more shall appoint three trustees, and

- (ii) the council of a municipality having a population within the district of less than 3,000 shall appoint two trustees,
one of whom in each case shall retire each year;
- (c) where the district comprises more than two municipalities,
 - (i) the council of a municipality having a population within the district of 6,000 or more shall appoint three trustees, one of whom shall retire each year,
 - (ii) the council of a municipality having a population within the district of 3,000 but less than 6,000 shall appoint two trustees, one of whom shall retire each year, and
 - (iii) the council of a municipality having a population within the district of less than 3,000 shall appoint one trustee who shall hold office for two years.

Where city or separated town included in district

(2) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes and a city or separated town, trustees shall be appointed by the council or councils of the municipality or municipalities not separated from the county or counties for municipal purposes as provided in subsection 1 and in addition the council of the city shall appoint six trustees, two of whom shall retire each year, or the council of the separated town shall appoint three trustees, one of whom shall retire each year, as the case may be. R.S.O. 1960, c. 362, s. 22 (1, 2).

Where fewer than five or more than nine trustees

(2a) Where the number of trustees determined under subsection 1 or 2 is fewer than five or more than nine, the Minister, on a request of a majority of the councils of the municipalities concerned, may determine the number of trustees to be appointed to the board, the municipality or municipalities to be represented by each trustee and their terms of office, and may provide for their appointment.

Interpre-tation

(2b) The municipality or municipalities that have more than one-half of the assessment for secondary school purposes in the high school district, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 2a. 1967, c. 91, s. 3 (1).

Parts of municipality not rated for trustee

(3) Where a part of a municipality is included in a high school district, it shall be deemed not to be a municipality for the purposes of subsections 1 and 2 unless the assessment of

such part for secondary school purposes is at least 10 per cent of the total assessment for secondary school purposes in the municipality or in the high school district. 1966, c. 141, s. 3.

(4) Where a high school district comprises only a city or separated town, the council of the city or separated town shall appoint six trustees, two of whom shall retire each year. District composed of city or separated town R.S.O. 1960, c. 362, s. 22 (4).

(5) Except where provided by a determination of the Minister under subsection 2a, the council that has the power and duty of appointing high school trustees shall provide for the order of their retirement. R.S.O. 1960, c. 362, s. 22 (5); 1967, c. 91, s. 3 (2).

23.—(1) Where the whole of a high school district is within one county, the council of the county may appoint one trustee who shall hold office for one year or, at the request of the board, may appoint three trustees, one of whom shall retire each year. County appointments

(2) Where a high school district comprises two or more counties or parts thereof, Idem

- (a) the council of the county having the largest population within the district may appoint one trustee who shall hold office for one year or, at the request of the board, may appoint three trustees, one of whom shall retire each year; and
- (b) the council of any other county within or partly within the district may, at the request of the board, appoint one trustee who shall hold office for one year.

(3) Upon the appointment of three trustees by a county council, the council shall provide for the order of their retirement, and upon the withdrawal of a request for the appointment of three trustees, the council shall determine which one of the three trustees appointed by it, other than the one whose term of office expires at the end of the year in which the request is withdrawn, shall remain in office for the succeeding year. Retirement R.S.O. 1960, c. 362, s. 23.

24.—(1) Where one separate school board operates a separate school situated in a high school district, the separate school board may appoint to the high school board one trustee who shall not be a member of the separate school board and who shall hold office for one year. Separate school appointments

(2) Where two or more separate school boards operate separate schools situated in a high school district, the separate school board having the highest average attendance of pupils Idem

below grade 9 for the preceding year, as certified by the separate school inspector, may appoint to the high school board one trustee who shall not be a member of the separate school board and who shall hold office for one year. R.S.O. 1960, c. 362, s. 24.

**Public
school
appoint-
ments**

25.—(1) Where one public school board operates a public school situated in a high school district, the public school board may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year.

Idem

(2) Where two or more public school boards operate public schools situated in a high school district, the public school board having the highest average attendance for the preceding year of pupils below grade 9 who are resident in the high school district, as certified by the public school inspector, may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year.

**Special
cases**

(3) In the case of the first board of a new high school district, in lieu of the appointment under subsection 2, where,

- (a) a board of education is being dissolved and the municipality or municipalities over which the board has jurisdiction are included in the new high school district; and
- (b) the average attendance of pupils below grade 9 for the preceding year in the school or schools under its jurisdiction, as certified by the public school inspector, exceeds the average attendance of such pupils in any public school section within the district,

the board of education may appoint to the high school board one trustee who shall not be a member of the board of education and who shall hold office for one year. R.S.O. 1960, c. 362, s. 25.

**Board in
unorganized
territory**

26.—(1) Where a high school district is established under subsection 4 of section 12, the Lieutenant Governor in Council may provide for the formation of a board. R.S.O. 1960, c. 362, s. 26 (1).

**Powers
and
duties**

(2) The board shall exercise the powers and duties of a municipal council for that part of the high school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, assessing, court of revision, levying rates, collecting taxes and issuing debentures, for secondary school purposes. R.S.O. 1960, c. 362, s. 26 (2); 1964, c. 106, s. 5.

(3) In apportioning the costs within the high school district, the portion of the high school district that comprises territory without municipal organization shall be treated as one municipality.

(4) The assessor and tax collector appointed by the board for the territory without municipal organization have the same powers as an assessor and tax collector in a municipality.

(5) In the first year that any territory without municipal organization is included in a high school district, the rates for that year shall be levied on the assessment of the property in such territory made in that year. R.S.O. 1960, c. 362, s. 26 (3-5)

(6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

(7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

(8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

(9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.

(10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. 1960-61, c. 93, s. 3.

Where tax arrears procedures of R.S.O. 1960, c. 98, in effect

(11) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a high school district, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the high school district, and all the powers and duties of the sheriff in respect of arrears of taxes are vested in the treasurer of the board. 1962-63, c. 130, s. 6.

Trustees where district enlarged

27.—(1) Where a high school district is enlarged or the population of the portion of a municipality within a district has increased and as a result the number of trustees should be increased, the council of the municipality entitled to appoint the additional trustee or trustees shall make such appointments.

Where district decreased

(2) Where a high school district is decreased or the population of the portion of a municipality within a district has decreased and as a result the number of trustees appointed by the council of the municipality should be decreased, the council of the municipality shall not fill the vacancy arising at the end of the year and, where necessary to further decrease the number of appointments to the required number, shall provide for the retirement at the end of the year of any trustee. R.S.O. 1960, c. 362, s. 27.

Corporation name

28.—(1) Where a high school district comprises one municipality, the trustees are a corporation by the name of "The High School Board of the of" or "The Collegiate Institute Board of the of" (*inserting the classification and name of the municipality*).

Idem

(2) Where a high school district comprises more than one municipality, the trustees are a corporation by the name of "The District High School Board" or "The District Collegiate Institute Board" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1960, c. 362, s. 28.

Term of office

29.—(1) High school trustees shall hold office until their successors are appointed and a new board is organized.

Time for appointments of trustees

(2) The first appointments of members of a new board shall be made at the last regular meeting of the appointing body in the calendar year before the board is to be organized and the trustees shall take office on the 1st day of January in the following year.

Idem

(3) Vacancies arising from the annual retirement of trustees shall be filled at the last regular meeting of the appointing body in the calendar year and the trustees shall take office

on the 1st day of January in the following year. R.S.O. 1960, c. 362, s. 29 (1-3).

(4) Where an appointing body fails or is unable to appoint ^{Idem} a trustee as provided in subsection 2 or 3, it shall make the appointment at a subsequent meeting. 1967, c. 91, s. 4.

(5) Vacancies arising from death, resignation, removal ^{Vacancies} from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant. R.S.O. 1960, c. 362, s. 29 (5).

(6) REPEALED: 1966, c. 141, s. 4.

30.—(1) Every high school board shall provide adequate accommodation for its pupils and shall establish and maintain ^{Establishment and maintenance of schools} a high or vocational school in the high school district in which it has jurisdiction and may establish and maintain such additional high or vocational schools as the board may deem necessary and, subject to section 31, may provide for the location, erection, maintenance and management of the schools so established.

(2) Notwithstanding subsection 1, the board of a high school district may, in lieu of establishing and maintaining a school, enter into an agreement with another secondary school board to provide for the instruction of its pupils in the schools under the jurisdiction of that board and for the payment of fees in respect of such pupils. ^{Exceptions}

(3) If the board of a high school district in a county fails ^{Where no school maintained} to operate a school for a period of two years and has not entered into an agreement under subsection 2, the county council or councils by which the district was established shall by by-law discontinue the district and include it in one or more adjoining districts. R.S.O. 1960, c. 362, s. 30.

31.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a high school board for permanent ^{Debentures for permanent improvements} improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof and of any territory without municipal organization comprising the high school district.

(2) The application shall be made to the council or councils ^{Application by board to council} having jurisdiction in the high school district, and in it the

board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid.

Council to deal with application

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Issue of debentures

(4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the high school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. R.S.O. 1960, c. 362, s. 31 (1-4).

R.S.O. 1960, c. 249

Submission of application to rate-payers

(5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the high school district, as the case may be, who are qualified under *The Municipal Act* to vote on money by-laws, in the manner provided by *The Municipal Act* in the case of a money by-law. R.S.O. 1960, c. 362, s. 31 (5); 1965, c. 119, s. 6 (1).

When vote to be held

(6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors qualified to vote on money by-laws, unless the board otherwise agrees, the vote shall be held within ninety days of the receipt of the request from the board. R.S.O. 1960, c. 362, s. 31 (6); 1965, c. 119, s. 6 (2).

When vote favourable

(7) If a majority of the votes cast throughout the high school district is in favour of the application, the council of the municipality in which the high school is or is to be situated shall raise the required sum by the issue of debentures in the manner provided by *The Municipal Act*, but without submitting the by-law to the electors.

Assent of electors not required

(8) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Terms of debentures

(9) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority

of them shall if the board has so requested and may, with or without such request, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*.^{R.S.O. 1960, c. 249}

(10) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 9.^{Interpretation}

(11) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser. R.S.O. 1960, c. 362, s. 31 (7-11).^{Cost of borrowing advance to board before sale of debenture}

32.—(1) Where a high school district comprises more than one municipality or parts of municipalities, and an application made under subsection 2 of section 31 has been approved under subsection 4 thereof, or a majority of the votes is in favour of the application under subsection 7 thereof, and the councils of a majority of the municipalities which or part of which are included in the district by resolution request the council of the county in which the school is or is to be situated to raise the entire sum required by the issue of its debentures, such county council may without the assent of the electors issue the debentures in the manner provided by *The Municipal Act*, and the provisions of section 35 apply except that each municipality shall pay its proportion to the county council.^{Request for county to issue debentures}

(2) The county council shall consider the request at its next meeting following the receipt thereof, and if the county council refuses the request, or neglects to make a decision at such meeting, the provisions of section 31 apply.^{Consideration by county council}

(3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situated, the council of the county shall issue the debentures. R.S.O. 1960, c. 362, s. 32.^{Where county must comply}

33.—(1) Where a municipality or county has raised money for the purposes of a high school board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.^{Payment to school boards}

**Expenses
re issuing
debentures**

(2) Where debentures are issued by a municipality or county on behalf of a board, the expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. 1962-63, c. 130, s. 7.

Estimates

34.—(1) Every high school board in each year shall prepare and adopt and submit to the council of each municipality all or part of which is included in the high school district, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,

- (a) shall set forth the estimated revenues and expenditures of the board;
- (b) shall make due allowance for a surplus of any previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year;
- (d) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the high school district according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements;
- (e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided. 1965, c. 119, s. 7, *part*; 1967, c. 91, s. 5.

R.S.O. 1960,
c. 361

**Rates for
current
purposes**

(2) The council of each municipality, all or part of which is included in a high school district, shall levy and collect each year and transfer to the high school board from time to time as required, but not later than the 15th day of December, such amount as may be required by the board for its purposes during the year, and such amount shall be apportioned and raised in the manner provided in sections 35 and 36 with respect to liability for debenture debt. 1965, c. 119, s. 7, *part*.

35.—(1) Where a high school district comprises more than one municipality or parts thereof and the municipalities or parts form part of a county for municipal purposes, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. R.S.O. 1960, c. 362, s. 35 (1).

(2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city, separated town or other municipality or part, as the case may be, as adjusted by the application of the equalization factor bears to the assessment of all the municipalities and parts in the high school district as adjusted by the application of the equalization factors, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

(2a) Where a high school district comprises two or more counties or parts thereof, the assessments of the municipalities or parts thereof included in the high school district shall, for the purposes of subsections 1 and 2, be adjusted by the application of the equalization factors.

(3) Where a high school district comprises two or more municipalities or parts thereof in a territorial district, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part as adjusted by the application of the equalization factor bears to the assessment of all the municipalities and parts in the high school district as adjusted by the application of the equalization factors, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. 1965, c. 119, s. 8 (1).

(4) The payments required to be made by a municipality to the municipality or county that has issued the debentures shall be made on or before the date or dates in each year upon which the payments in respect of the debentures fall due, and where a municipality defaults in paying its proportion

Proportion-
ate liability
for debenture
debt

Where city
or separated
town in
high school
district

Where high
school
district in
more than
one county

Muni-
cipalities in
territorial
districts

Time for
payments

when due, the municipality or county that has issued the debentures may charge the defaulting municipality interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

**Assumption
of larger
proportion**

(5) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, 2 or 3 and may issue its own debentures therefor, and in that case the proportion of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be. R.S.O. 1960, c. 362, s. 35 (4, 5).

**Request for
arbitration
where all
muni-
cipalities form
part of one
county**

(6) Where the council of a municipality in a high school district that comprises only municipalities or parts thereof that form part of one county for municipal purposes is of the opinion that the division of liability in accordance with subsection 1 or 5 imposes an undue burden on the ratepayers of the municipality or part, subject to subsection 12, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 96 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year. 1965, c. 119, s. 8 (2).

**R.S.O. 1960,
c. 23**

**Where city,
separated
town,
counties, or
muni-
cipalities in
territorial
district,
concerned**

(6a) Except as provided in subsection 6 and subject to subsection 12, where the council of a municipality is of the opinion that the division of liability in accordance with subsection 1, 2, 3 or 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year preceding the year in which the proportion to be determined will be payable for an arbitration to determine the proportion of liability each municipality shall bear in the following year. 1965, c. 119, s. 8 (3).

Arbitrators

(7) Upon receipt of the application, the board shall direct its secretary to call a meeting of the treasurers of the municipalities within or partly within the district, and the county treasurers of the county or counties within which the municipalities forming part of a county for municipal purposes are situated, and these treasurers shall be arbitrators to determine the proportion of liability each municipality shall bear. 1965, c. 119, s. 8 (4).

(8) REPEALED: 1965, c. 119, s. 8 (5).

(9) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the board who shall forthwith send a copy of the decision to the clerk of each municipality by registered mail.

(10) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the board shall refer the matter to the Ontario Municipal Board whose decision is final. R.S.O. 1960, c. 362, s. 35 (9, 10).

(11) In considering the proportion of liability that each municipality shall bear, the arbitrators and the Ontario Municipal Board may have regard to the assessments as adjusted by the equalization factors and equalized assessments, the location of the school and the use that will be made of it, the relative populations of the municipalities, transportation costs, and any other matter that in their or its view should be considered in order to result in an equitable apportionment of liability. R.S.O. 1960, c. 362, s. 35 (11); 1965, c. 119, s. 8 (6).

(12) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of the portion of a municipality included in the high school district is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators. R.S.O. 1960, c. 362, s. 35 (12).

(13) In this section,

(a) "assessment" means the assessment upon which taxes are levied in the year preceding the year in which the proportion to be determined will be payable;

(b) "equalization factor" means the latest equalization factor, based on the assessment referred to in clause *a*, provided by the Department of Municipal Affairs;

(c) "equalized assessment" means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable. 1965, c. 119, s. 8 (7).

(14) Nothing in section 31 or in this section prevents the municipality in which the high school is situated from assuming the full cost of permanent improvements or any part thereof or from undertaking to pay any debentures that may be

Municipality
may assume
full cost of
permanent
improve-
ments

issued therefor notwithstanding that such municipality forms only a part of the high school district. R.S.O. 1960, c. 362, s. 35 (14).

Proportion
of liability
in high
school
district
that includes
unorganized
territory

36.—(1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the treasurers of the municipalities and the assessor for the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 34 and the principal and interest payable under any debentures and expenses connected therewith that shall be raised commencing in the following year by assessment on the ratepayers of each municipality and the territory without municipal organization. R.S.O. 1960, c. 362, s. 36 (1); 1965, c. 119, s. 9.

Application
of sub-
sections 9-14
of section 35

(2) Subsections 9 to 14 of section 35 apply *mutatis mutandis* to an arbitration under this section.

Reference to
Municipal
Board on
objection of
ratepayers
of
unorganized
territory

(3) Five ratepayers of the territory without municipal organization representing the ratepayers of the territory without municipal organization may file a written objection to the decision of the arbitrators under subsection 10 of section 35. R.S.O. 1960, c. 362, s. 36 (2, 3).

37. REPEALED: 1964, c. 106, s. 7.

High school
property
vested in
trustees

38.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the high school purposes of any locality, or that may hereafter be so granted, devised, acquired or vested is vested in the board having jurisdiction in such locality. R.S.O. 1960, c. 362, s. 38 (1).

Power to
sell, lease,
etc.

(2) The board has power to sell, convey, transfer or lease such property, or any part thereof, or any property otherwise acquired by the board, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes. R.S.O. 1960, c. 362, s. 38 (2); 1967, c. 91, s. 6.

Notice to
Minister

(3) Where a board sells, conveys, transfers or leases any such property, the secretary of the board shall immediately advise the Minister as to the disposition of the proceeds. R.S.O. 1960, c. 362, s. 38 (3).

PART III

VOCATIONAL SCHOOLS

39. In this Part, "board" means a high school board or ^{Interpre-} board of education. R.S.O. 1960, c. 362, s. 39.

40.—(1) Subject to the approval of the Minister, a board ^{Establish-} may establish and maintain a vocational school. ^{ment of vocational schools}

(2) Subject to the approval of the Minister, a vocational school under this Part may provide, ^{Courses of study}

- (a) full-time day courses of study;
- (b) part-time day courses of study;
- (c) evening courses of study.

(3) A board that has established a vocational school may ^{Special vocational schools and classes} establish special vocational schools or classes for the purpose of providing vocational education for pupils of thirteen years of age and over who have been in attendance in auxiliary classes or who are eligible for admission to such classes. R.S.O. 1960, c. 362, s. 40.

41.—(1) Upon the recommendation of the vocational school principal and with the approval of the advisory committee, pupils who have successfully completed grade 7 at an elementary school may be admitted to any pre-vocational school course of study at a vocational school. ^{Admission of pupils, to pre-vocational school courses}

(2) Subject to the regulations, pupils of thirteen years of age and over who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, on the recommendation approved by the Minister of an examining board constituted by the Minister for the purpose, be admitted to special vocational schools or classes. ^{to special vocational schools and classes}

(3) Subject to the regulations, a resident pupil, ^{Idem}

(a) who is required to attend school under *The Schools Administration Act*; and ^{R.S.O. 1960, c. 361}

(b) in respect of whom a recommendation that he attend a special vocational school or class established by the school board has been made and approved under subsection 2,

may be required by the school board to attend any such special vocational school or class.

(4) Where the vocational school principal is satisfied that ^{Admission of adults} an adult is competent to receive instruction, the adult may, without regard to his school standing, be admitted,

- (a) to a special full-time day course of study;
- (b) to a part-time day course of study; or
- (c) to an evening course of study.

**Transfer
from pre-
vocational
courses**

(5) Where a pupil has,

- (a) attended pre-vocational school classes in a vocational school for at least one year; and
- (b) made progress in his course of study satisfactory to the principal,

he may, with the approval of the principal, transfer to any other course of study in the vocational school. R.S.O. 1960, c. 362, s. 41.

**Advisory
vocational
committee**

42.—(1) Where, in accordance with the regulations, one or more schools to which this Part applies are established by a board, the schools shall be under the management and control of the board, and the board shall appoint an advisory vocational committee and shall consider recommendations submitted to it by the committee. 1966, c. 141, s. 5.

Composition

(2) The committee shall consist of five, eight or twelve members as the board may determine. 1961-62, c. 131, s. 4, *part*.

Idem

(3) Where the committee is to consist of five members, it shall be composed of,

- (a) the chairman and two trustees;
- (b) one person, appointed by the board, who is an employee in manufacturing, agricultural, commercial or other industry; and
- (c) one person, appointed by the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry. 1961-62, c. 131, s. 4, *part*; 1964, c. 106, s. 8 (1).

Idem

(4) Where the committee is to consist of eight members, it shall be composed of,

- (a) the chairman and three trustees;
- (b) two persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and
- (c) two persons, appointed by the board, who are employers of labour or directors of companies employing

labour in manufacturing, agricultural, commercial or other industries. 1961-62, c. 131, s. 4, *part*; 1964, c. 106, s. 8 (2).

(5) Where the committee is to consist of twelve members,^{Idem} it shall be composed of,

- (a) the chairman and five trustees;
- (b) three persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and
- (c) three persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries. 1961-62, c. 131, s. 4, *part*; 1964, c. 106, s. 8 (3).

(5a) Where, in the opinion of a board, representation on a committee would be desirable from any business or occupation not referred to in subsection 3, 4 or 5, the board may appoint, in lieu of a person referred to in clause b or c of subsection 3, 4 or 5, an employee or an employer or director of a company, as the case may be, engaged in such business or occupation. Appoint-
ments from
other
occupations
1965, c. 119, s. 10 (1).

(6) Where a vocational school is built under a technical and vocational training agreement entered into by Canada and the Province of Ontario in one high school district on the understanding that it will serve two or more high school districts, the composition of the committee shall be determined, subject to the approval of the Minister, by the boards concerned. 1961-62, c. 131, s. 4, *part*.
Where
school under
technical and
vocational
training
agreement

(7) (1961-62, c. 131, s. 4) REPEALED: 1965, c. 119, s. 10 (2).

43.—(1) The first members of the advisory vocational committee shall be appointed at the meeting of the board at which a school is established for which the committee is to be appointed. Appoint-
ment of
members

(2) The members of the committee who are members of the board shall hold office until the expiry of the period for which they were elected or appointed to the board. Tenure of
office

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years.^{Idem}

(4) The board, at its first meeting in each year after the establishment of the school, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class. Vacancies

- Idem** (5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.
- Quorum** (6) The presence of a majority of the members constituting a committee is a quorum at any meeting, and a vote of the majority of the quorum is necessary to bind a committee.
- Chairman voting** (7) On every question, other than the election of a chairman, the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1960, c. 362, s. 43.
- Co-opted members** **44.**—(1) The advisory vocational committee may, in any year at a meeting that has been specially called for the purpose and of which notice has been given to all the members, appoint such additional members of the committee, to be known as co-opted members, as it may deem necessary.
- Idem** (2) In the appointment of co-opted members, an equal number of persons shall be appointed from each of the classes mentioned in clauses *b* and *c* of subsection 3 of section 42 or in clauses *b* and *c* of subsection 4 of section 42, as the case requires, and a number of members of the board shall be appointed equal to the total number of additional persons appointed from the said classes.
- Term of office** (3) Co-opted members shall hold office for the calendar year in which they are appointed. R.S.O. 1960, c. 362, s. 44.
- Qualifications of members** **45.** The appointed members and co-opted members of the advisory vocational committee shall, in addition to their technical or business qualifications, have the qualifications required for the members of the board by which they are appointed. 1964, c. 106, s. 9.
- Powers of committee** **46.**—(1) The advisory vocational committee shall make recommendations to the board with respect to a suitable site, building and equipment, or for the conducting of a school in another building in the high school district, and with respect to courses of study.
- Idem** (2) The advisory vocational committee shall make recommendations to the board with respect to the selection and salary schedules of vocational teachers and shall co-operate with the building, education, finance, property, salary and other committees of the board in all matters affecting voca-

tional education in the vocational and composite schools under the jurisdiction of the board. 1964, c. 106, s. 10.

(3) The board shall not refuse its approval of any report ^{When approval withheld} of the committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which the report is referred by the chairman of the committee or by another member of the committee appointed for that purpose.

(4) The secretary and other officers of the board shall be ^{Officers of committee} the officers of the committee. R.S.O. 1960, c. 362, s. 46 (3, 4).

(5) Subject to the approval of the Minister, the board, ^{Co-ordinating officers} upon the recommendation of the committee, may appoint one or more officers with qualifications approved by the Minister to bring to the attention of employers and employees the work of the schools, and to make the necessary arrangements among employers, employees and the schools for the conduct of part-time or co-operative classes, and, in general, to act as a co-ordinating officer or officers between the local industries and the schools, and every person so appointed is subject to the control of the board. 1967, c. 91, s. 7.

(6) REPEALED: 1965, c. 119, s. 11.

47.—(1) Subject to the regulations, the estimates of the ^{Estimates} advisory vocational committee of the cost of establishing, equipping and maintaining the school or schools under its management and control, when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the municipal council or councils for the year.

(2) Subject to the regulations, the cost of establishing, ^{Provision of moneys} equipping and maintaining vocational schools, and the cost of permanent improvements thereof, shall be provided for in the same manner as in the case of high schools. R.S.O. 1960, c. 362, s. 47.

48. Where not inconsistent with this Part, Parts II, IV ^{Application of pts. II, IV, V and R.S.O. 1960, c. 361} and V and *The Schools Administration Act* apply in all matters concerning the operation and management of a vocational school, the property in connection therewith, the employment and retirement of teachers and other persons employed in such vocational school, and in any other matters whatsoever. R.S.O. 1960, c. 362, s. 48.

PART IV

BOARDS OF EDUCATION

49. In this Part, "board of education" means a board of ^{Interpretation}

education established under section 51. R.S.O. 1960, c. 362, s. 49; 1962-63, c. 130, s. 8.

Establishment and status of board

50.—(1) A board of education may be established in a high school district to perform the duties of a high school board for the district and the duties of a public school board for the public school section or sections situated within the boundaries of the district, and where a board of education is established,

- (a) for high school purposes, it shall be deemed to be a high school board for the purposes of this and every other Act; and
- (b) for public school purposes, it shall be deemed to be a public school board for the purposes of this and every other Act,

except where inconsistent with this Part.

Powers and duties of board

(2) Every board of education is a corporation and has all the powers and shall perform all the duties that by this or any other Act are conferred or imposed upon a public school board or a high school board.

Name of board

(3) The name of a board of education that has jurisdiction in one municipality is "The Board of Education for the of" (*inserting the name of the municipality*).

Idem

(4) The name of a board of education that has jurisdiction in more than one municipality is "The.....District Board of Education" (*inserting a name selected by the board and approved by the Minister*).

Members to be trustees

(5) A member of a board of education appointed by a county council or a separate school board is a trustee for secondary school purposes only and all other members of a board of education are trustees for public and secondary school purposes. R.S.O. 1960, c. 362, s. 50.

Board in district comprising one municipality

51.—(1) Subject to the approval of the Minister, where a high school district does not extend beyond the limits of the municipality, the council of a city, town, village or township may pass a by-law establishing a board of education for the district.

Board in district comprising more than one municipality

(2) Subject to the approval of the Minister, where a high school district that includes two or more municipalities or parts thereof comprises the same area as one or more units of public school administration, the council of the county or the councils of the counties in which the high school district has been established,

- (a) shall, upon receipt of a resolution from the council of each of the municipalities within the district declaring that it is expedient to form a board of education for the district, pass a by-law establishing a board of education for the district; and
- (b) may, upon receipt of a resolution from a majority of the councils of the municipalities within the district declaring that it is expedient to form a board of education for the district, pass a by-law establishing a board of education for the district.

(3) Subject to the approval of the Minister, where a high school district has been established by two or more municipalities in a territorial district, the councils of the municipalities may pass by-laws establishing a board of education for the high school district. 1967, c. 91, s. 8 (1). Board in territorial district

(4) Where a high school district has been established under subsection 4 of section 12, the Lieutenant Governor in Council may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part apply to the board. R.S.O. 1960, c. 362, s. 51 (4); 1964, c. 106, s. 11 (1). Board in unorganized territory

(4a) Where a high school district has been established under subsection 5 of section 12, the Minister may authorize the formation of a board of education for the district, and lands may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part apply to the board. 1964, c. 106, s. 11 (2). Board for high school district on exempt lands

(5) A by-law establishing a board of education may be passed notwithstanding that the by-law or by-laws establishing the high school district have not come into effect in which case no high school board shall be organized. R.S.O. 1960, c. 362, s. 51 (5); 1967, c. 91, s. 8 (2). By-law although district not in effect

(6) A by-law under subsection 1, 2 or 3 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following its approval by the Minister, except that for the election of trustees it shall take effect on the day it is approved by the Minister. 1967, c. 91, s. 8 (3). Time of passing and effective date of by-laws

52.—(1) Upon the organization of a board of education, Assets, liabilities etc.

- (a) the high school board and all public school boards in the high school district are dissolved;

- (Levies, etc., for board)*
- (b) all the property vested in such boards becomes vested in the board of education;
 - (c) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the board of education. R.S.O. 1960, c. 362, s. 52 (1); 1967, c. 91, s. 9.

(2) Where a board of education is established,

- (a) the cost of operating the public and secondary schools under the jurisdiction of the board shall be apportioned among the municipalities within the district and shall be levied and collected *mutatis mutandis* in the manner provided in subsection 2 of section 34;
- (b) the issue of debentures for both public and secondary school purposes and the apportionment among the municipalities within the district and the levy and collection for payments under the debentures shall be governed *mutatis mutandis* by sections 31, 32 and 35,

except that levies for public school purposes shall be made only on property rateable therefor. R.S.O. 1960, c. 362, s. 52 (2).

Appropriation of property

53. A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but where public school property is appropriated for high school purposes the public school shall be credited with the value of the property so appropriated and where high school property is appropriated for public school purposes the high school shall be credited with the value of the property so appropriated. R.S.O. 1960, c. 362, s. 53.

Composition of board, elective members

R.S.O. 1960,
c. 330

54.—(1) Where a board of education is established for one municipality, the elective members of the board shall be elected in the same manner and number as the trustees of a public school board in an urban municipality and the provisions of *The Public Schools Act* with respect to the number of trustees and manner of election of trustees of public school boards in urban municipalities apply *mutatis mutandis*. R.S.O. 1960, c. 362, s. 54 (1).

Separate school appointments

- (2) In addition to the members elected under subsection 1,
- (a) in a municipality having a population of 50,000 or more, the separate school board of the municipality shall appoint two members; and

- (b) in any other municipality, the separate school board of the municipality shall appoint one member,

in the same manner and under the same conditions as if the board of education were a high school board. R.S.O. 1960, c. 362, s. 54 (2); 1966, c. 141, s. 6.

(3) In addition to the members elected under subsection 1, ^{County appointments} an additional member or members may be appointed by a county council or councils in the same manner and under the same conditions as if the board of education were a high school board.

(4) Where there is no separate school board of the municipality, the board shall be composed of the elected members as provided in subsection 1 and the appointed members, if any, as provided in subsection 3. R.S.O. 1960, c. 362, s. 54 (3, 4).

55.—(1) Where a board of education is established for ^{Board for two municipalities} two municipalities, a municipality having a population within the high school district,

- (a) of less than 500 shall elect one member;
- (aa) of 500 or more but less than 1,000 shall elect two members;
- (b) of 1,000 or more but less than 3,000 shall elect three members;
- (c) of 3,000 or more but less than 6,000 shall elect four members;
- (d) of 6,000 or more but less than 15,000 shall elect five members; and
- (e) of 15,000 or more shall elect seven members. R.S.O. 1960, c. 362, s. 55 (1); 1964, c. 106, s. 12; 1966, c. 141, s. 7 (1).

(2) Where a board of education is established for three ^{Board for more than two municipalities} or more municipalities, a municipality having a population within the high school district,

- (a) of less than 1,000 shall elect one member;
- (b) of 1,000 or more but less than 3,000 shall elect two members;
- (c) of 3,000 or more but less than 6,000 shall elect three members;
- (d) of 6,000 or more but less than 10,000 shall elect four members;
- (e) of 10,000 or more but less than 15,000 shall elect five members;

- (f) of 15,000 or more but less than 25,000 shall elect six members; and
- (g) of 25,000 or more shall elect seven members. R.S.O. 1960, c. 362, s. 55 (2); 1966, c. 141, s. 7 (2).

Parts not rated for trustee, attached to adjoining municipality for voting purposes

(3) Where a part of a municipality is included in a high school district, it shall be deemed not to be a municipality for the purposes of subsections 1 and 2 unless the assessment for secondary school purposes in such part is at least 10 per cent of the total assessment for secondary school purposes in the municipality or in the high school district, and any such part that is deemed not to be a municipality for the purposes of subsections 1 and 2 shall, for the purposes of the election of trustees and of voting on school matters, be deemed to be attached to the adjoining municipality all or part of which is included in the high school district or, where there are two or more such adjoining municipalities, to the municipality having the greatest assessment in the high school district as adjusted by the application of the latest equalization factors provided by the Department of Municipal Affairs, and the clerk of the municipality in which the part that is deemed not to be a municipality is situate shall furnish to the clerk of such adjoining municipality a certified copy of the list of voters qualified to vote on public school matters in such part of the municipality. 1966, c. 141, s. 7 (3).

County and separate school appointments

(4) In addition to the members elected under subsection 1 or 2, an additional member or members may be appointed by a county council or councils and an additional member by a separate school board in the same manner and under the same conditions as if the board of education were a high school board. R.S.O. 1960, c. 362, s. 55 (4).

Where fewer than five or more than nine members

55a.—(1) Where, under subsection 1 or 2 of section 55, the number of members is fewer than five or more than nine, the Minister, on a request of a majority of the councils of the municipalities concerned, may determine the number of members to be elected to the board, the municipality or municipalities to be represented by each member and their terms of office.

Interpretation

(2) The municipality or municipalities that have more than one-half of the assessment for public school purposes in the high school district, as shown by the last revised assessment roll, shall be deemed to be a majority for the purpose of subsection 1.

Election where Minister determines representation

(3) Where the Minister determines that two or more municipalities or any part or parts thereof shall be combined for the purposes of the election of one or more members, such

member or members shall be elected by the general vote of the persons qualified to vote for public school trustees in such combined area, and,

- (a) the nominations for such members shall be conducted by the returning officer of the municipality having the greatest assessment for public school purposes in the combined area and shall be held at the same time and place as nominations for municipal councillors in that municipality;
- (b) the election of such members shall take place in each municipality during the same hours and on the same day as the annual municipal elections in the municipality in which the nominations were held in the same manner as nearly as may be as the election of municipal councillors; and
- (c) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the clerk of the municipality in which the nominations were held, who shall prepare the final summary and announcement of the vote and shall notify the board in writing of his determination.

(4) In addition to the members elected under this section, an additional member or members may be appointed as provided in subsection 4 of section 55. 1967, c. 91, s. 10.

County and
separate
school
appoint-
ments

56.—(1) The members of a board of education to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve, and, save as otherwise provided, all the provisions of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot apply to the election.

R.S.O. 1960,
c. 330

(2) Notwithstanding the residence qualification prescribed in *The Public Schools Act*, a person who is a ratepayer of a municipality which, or any part of which, is included in the high school district, and who is assessed in the district and who resides in the district or within five miles of the boundaries thereof is, unless otherwise disqualified, qualified to be a member of the board of education of the district.

Residence
qualification

(3) The first election shall take place at the time of holding the municipal elections in the year in which the by-law or by-laws establishing the board of education is or are passed, but nothing in this section affects any board having jurisdic-

First
election of
members of
board

tion over any public school, high school or vocational school during the year in which such by-law is passed.

Number of votes for candidates

(4) Every person qualified to vote is entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.

First election

(5) At the first election the full number of elective members shall be elected.

Terms of office of first members

(6) Where a municipality elects more than one member, one-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized.

Where one member elected

(7) Subject to subsection 8, where a municipality elects only one member, he shall continue in office for two years and until his successor is elected and a new board is organized.

Where several municipalities elect one member

(8) Where two or more municipalities each elect only one member, the sequence of retirement of those members shall be determined by lot to be cast by the secretary at the first meeting of the board, and one-half of such members where the number of such members is an even number and the next number higher than one-half where the number of such members is an odd number, shall continue in office for two years and until their successors are elected and a new board is organized, and the remainder of those members shall continue in office for one year and until their successors are elected and a new board is organized.

Retirement where members have equal votes

(9) Where two or more members receive an equal number of votes at the first election or where the full number of members to be elected is elected by acclamation and no agreement as to which of them shall retire is reached at the first meeting of the board, then at the next meeting the question shall be determined by lot to be cast by the secretary in the presence of the board, and the result shall be entered upon the minutes of the meeting.

Subsequent elections

(10) At each annual election after the first, a sufficient number of members shall be elected for two years to fill the places of the members retiring.

Retiring members eligible for re-election

(11) The members retiring at the expiration of the terms for which they were respectively elected or appointed are eligible for re-election or re-appointment if otherwise qualified.

(12) The appointment of a member or members by a separate school board shall be made at the last regular meeting thereof in the year before the first meeting of the board of education is to be held and at its last regular meeting in every second year thereafter, and any member so appointed shall hold office for two years and until his successor is appointed.

(13) No member of a body having the right to appoint a member of a board of education is eligible for appointment or election as a member of the board.

(14) When by reason of increased population additional representation on a board of education becomes necessary, the appointment shall be made or the election shall take place of the additional members at the regular time for the next ensuing year, and the election of such members and of those required to replace retiring members shall be decided together in accordance with subsection 6. R.S.O. 1960, c. 362, s. 56.

57.—(1) A member of a board of education who is appointed by a county council or by a separate school board shall not vote on a motion that affects public schools exclusively.

1960-61, c. 93, s. 4.

(2) A board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members that it has the right to appoint.

(3) Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed, the vacancy shall be filled forthwith by the appointing body and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed.

(4) When an appointing body fails to appoint a member ^{1dem} at the prescribed time, the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed.

R.S.O. 1960, c. 362, s. 57 (2-4).

58. Where the office of an elected member of a board of education becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided for filling a vacancy on a public school board in an urban municipality. R.S.O. 1960, c. 362, s. 58.

59. Subject to subsection 2 of section 56, the provisions of *The Public Schools Act* and of Part II respecting the disqualification of persons from being elected or appointed to,

^{Disqualification}

R.S.O. 1960,

c. 330

and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, apply to all boards of education. R.S.O. 1960, c. 362, s. 59.

Number
and election
of elective
members of
board of
education
for one
municipality

Dissolution
of board,
question
submitted
to electors

Board
dissolved
upon
affirmative
vote,
establish-
ment of
high school
and public
school
boards

High school
and public
school
boards
established

R.S.O. 1960,
c. 330

Disposition
of assets and
liabilities

60. Sections 29, 30, 31 and 32 of *The Public Schools Act* apply *mutatis mutandis* to the elective members of a board of education that has jurisdiction in only one municipality. R.S.O. 1960, c. 362, s. 60.

61.—(1) Where at a meeting of a board of education called for the purpose a majority of the members of the board vote in favour of the dissolution of the board, a copy of the resolution shall be submitted forthwith to the council of each municipality in which the board has jurisdiction with the request that the question "Are you in favour of dissolution of the board of education?" be submitted to a vote of the electors of the municipality who are qualified to vote for the elective members of the board.

(2) The council shall at the next municipal election submit the question to a vote of the electors, and, if the question is answered in the affirmative by a majority of the electors voting thereon, the board of education is dissolved on the 31st day of December of the year in which the vote is taken and the elective members of the board of education who would have been members of the board if it had not been dissolved shall form the board of the public school section in which the board of education had jurisdiction until new trustees are elected in accordance with the provisions of this Act respecting the first election of such trustees and a new board organized, and a board shall be established for the high school district in which the board of education had jurisdiction, and the provisions of Part II apply with respect to the appointment of high school trustees.

(3) Where a board of education is dissolved under subsection 2, a high school board and a public school board shall be established for the area in which the board of education had jurisdiction, and the provisions of Part II and *The Public Schools Act* apply with respect to the appointment of high school trustees and the election of public school trustees respectively.

(4) Upon the dissolution of a board of education under subsection 2, all the assets and liabilities of the board that are attributable to high school purposes and all the assets and liabilities of the board that are attributable to public school purposes become assets and liabilities of the high school board and the public school board established under subsection 3, as the case may be.

(5) Where, by reason of the dissolution or alteration of a high school district or school section under the jurisdiction of a board of education, the boundaries of the high school district and school section are no longer coterminous, the board of education is dissolved and all the assets and liabilities of the board attributable to high school purposes and all the assets and liabilities of the board attributable to public school purposes become assets and liabilities of the high school board or boards and public school board or boards that have jurisdiction in all or part of the high school district or school section dissolved or enlarged, as the case may be.

(6) In the event of a dispute as to the division of the assets and liabilities of a board of education between high school purposes and public school purposes, where only one municipality is concerned, the division shall be made by the council of the municipality, whose decision is final, and, where more than one municipality is concerned, the council of each municipality all or part of which was included in the high school district under the jurisdiction of the board of education shall appoint one arbitrator, and the arbitrators, together with the county judge, shall make such division, and the council or arbitrators, as the case may be, shall determine the amount of money, if any, to be paid by a board or municipality to any other board or municipality and the manner in which the payment, in each case, shall be made. 1967, c. 91, s. 11.

62. REPEALED: 1962-63, c. 130, s. 9.

63.—(1) Every board of education having jurisdiction over more than one high school, with the approval of the Minister, may,

- (a) make such modifications of the school courses provided in the high, industrial, technical and art schools under its jurisdiction as it deems expedient;
- (b) provide for special or advanced instruction in any of such courses;
- (c) designate such schools, or any of them, English, commercial, technical, industrial, art or classical high schools, according to the course or courses of instruction provided therefor.

(2) The accommodations and equipment of the school and the qualifications of the staff are subject to the regulations. Application of regulations R.S.O. 1960, c. 362, s. 63 (1, 2).

(3) REPEALED: 1960-61, c. 93, s. 5.

(4, 5) REPEALED: 1965, c. 119, s. 13.

Application
of
R.S.O. 1960.
c. 330.

64. The provisions of *The Public Schools Act* and Parts II and III that are not inconsistent with this Part shall be read as part of this Part and so far as such provisions are inconsistent with the provisions of this Part they do not apply to boards of education. R.S.O. 1960, c. 362, s. 64; 1964, c. 106, s. 13.

PART V

GENERAL

Declaring
schools
open

65.—(1) The board of a secondary school district may by resolution or by-law declare all or any of its schools open to the resident pupils of any secondary school district. 1967, c. 91, s. 12, *part*.

(2-5) REPEALED: 1967, c. 91, s. 12, *part*.

Revocation
of
declaration

(6) Where a school is declared open under this section, the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the secretary of the board of the secondary school district concerned that the school or schools will no longer be open to the resident pupils, and upon the giving of such notice such resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year. 1964, c. 106, s. 14, *part*.

Agreements
for education
at outside
schools

66.—(1) A secondary school board that has established one or more secondary schools may enter into an agreement with another secondary school board to provide for the instruction, in the school or schools maintained by the latter board, of resident pupils of the first-mentioned board. R.S.O. 1960, c. 362, s. 66 (1).

Idem

(2) The council of a municipality having a population of 2,000 or more in a territorial district which, or part of which, has not been established as or included in a secondary school district shall enter into an agreement with a secondary school board to provide for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality. R.S.O. 1960, c. 362, s. 66 (2); 1965, c. 119, s. 14.

Agreements
re accom-
modation
for Indian
pupils

(3) A secondary school board may enter into an agreement with the Crown in right of Canada for a period not exceeding five years at any one time to provide accommodation and tuition for the maximum number of Indian pupils agreed upon at the gross cost per pupil, calculated in the manner provided in subsection 4 or 5 of section 69, as the case requires, except that,

- (a) legislative grants shall not be deducted as provided in clause *c* of the said subsection 4; and
- (b) the portion of the cost of a new school or an addition to a school built under a technical and vocational training agreement entered into by Canada and the Province of Ontario that was assumed and paid by the Province shall not be included as an expenditure under clause *a* of the said subsection 4.

(4) A secondary school board may enter into an agreement^{Idem} with the Crown in right of Canada for a period not exceeding twenty years at any one time to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and in such case the tuition fee shall be calculated as in subsection 3, except that capital expenditures shall not be included as an expenditure under clause *a* of subsection 4 of section 69. 1962-63, c. 130, s. 10.

67.—(1) Where a pupil has been promoted from grade 8 to grade 9 in the manner prescribed by the regulations, he shall be admitted to grade 9.^{Admission to grade 9}

(2) An applicant who has not been promoted from grade 8^{Idem} to grade 9 in the manner prescribed by the regulations shall be admitted to grade 9 if the principal has satisfied himself that the applicant is competent to undertake the work of that grade.

(3) An applicant for admission to grade 10, 11, 12 or 13^{Admission to grades 10-13} shall be admitted if the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.

(4) Where the principal is not satisfied that an applicant^{Reduction in grade} is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he may place him in a lower grade.

(5) An applicant is entitled to enter an evening course of study in a high school if, in the opinion of the principal, after due examination or other investigation, he is competent to take up the desired course, but such admission does not entitle him to admission to the high school day courses.^{Admission to evening courses}

(6) A pupil enrolled in a full-time day course of study in^{Idem} a vocational school shall not be admitted to an evening course of study except with the consent of the vocational school principal. R.S.O. 1960, c. 362, s. 67.

Right of
resident
pupils to
attend
school

68.—(1) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district. 1964, c. 106, s. 15, *part*.

Resident
pupils

(2) Subject to subsections 3, 4 and 6, a resident pupil of a secondary school district has the right to attend any secondary school,

- (a) that is more accessible to the pupil than any secondary school in his own secondary school district;
-
- (c) to take either the four-year or two-year programme of the business and commerce branch or of the science, technology and trades branch, or the occupational programme, if the programme is not available in the secondary school district in which he is resident;
- (d) to take a course of study in either the four-year programme of the business and commerce branch or the four-year programme of the science, technology and trades branch, leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;
- (e) to take a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field, if the course is not available in the secondary school district in which he is resident;
- (f) to take a grade 13 subject or subjects not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or
- (g) to take a course of study that includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13 not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling. 1964, c. 106, s. 15, *part*; 1967, c. 91, s. 13 (1-4).

Restrictions

(3) Subsection 2 applies to a resident pupil of a secondary school district in a county only if,

- (a) the school has been declared open to such a pupil; and

(b) the inspector of the school certifies that there is adequate accommodation for the pupil in the school. 1967, c. 91, s. 13 (5).

(4) Subsection 2 applies to a resident pupil of a secondary school district in a territorial district only if the inspector of the school certifies that there is adequate accommodation for the pupil in the school. ^{Idem}

(5) At its discretion, a secondary school board may admit ^{Non-resident} pupils to a school operated by it a pupil who has not the right, under this section, to attend such school. 1964, c. 106, s. 15, *part*.

(6) Clauses *c, d, e, f* and *g* of subsection 2 do not apply to a resident pupil of a secondary school district if the board of the secondary school district has entered into an agreement with another secondary school board under subsection 2 of section 30 or under section 66 and the courses and subjects referred to in such clauses are offered in the schools covered by the agreement. 1967, c. 91, s. 13 (6). Where agreement between boards

69. REPEALED: 1964, c. 106, s. 16.

70.—(1) No fees are payable by or in respect of a resident pupil of a secondary school district attending a secondary school maintained by the board of the district. 1964, c. 106, s. 17 (1), *part*. Where no fees payable

(2) Where a resident pupil of a secondary school district attends a secondary school in another secondary school district pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 2 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school attended by the pupil, calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. 1965, R.S.O. 1960, c. 381, s. 119, s. 15 (1). Fees payable

(3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 66, the council of the municipality shall pay fees to the board that operates the secondary school as provided in subsection 3 of section 100a of *The Schools Administration Act*. 1965, c. 119, s. 15 (2), *part*. ^{Idem}

(4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the board that operates such school may require a fee to be paid by or on behalf of the pupil as provided in subsection 4 of section 100a of *The Schools Administration Act*. 1965, c. 119, s. 15 (2), *part*; 1966, c. 141, s. 8 (1). ^{Idem}

(5) REPEALED: 1965, c. 119, s. 15 (3).

Limitation
on right
to attend
without pay-
ment of fee

(6) Notwithstanding subsections 1, 2 and 3 and section 68, where a pupil,

(a) has completed grade 8; and

(b) has attended one or more secondary schools for a total of seven or more years,

R.S.O. 1960,
c. 361

he shall not be admitted to a secondary school except upon the payment of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. 1966, c. 141, s. 8 (2).

Admission
of ward of
children's
aid society

71.—(1) Subject to subsection 1a, a ward of a children's aid society who has been promoted or transferred to a secondary school shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward or, where no secondary school is maintained in the district, to a secondary school pursuant to an agreement under subsection 2 of section 30.

Where ward
placed for
adoption

(1a) A ward of a children's aid society who has been promoted or transferred to a secondary school and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that is supported by the assessment of the residence in which he resides with his adoptive parent or, where no secondary school is maintained in the district, to a secondary school pursuant to an agreement under subsection 2 of section 30, upon receipt from the children's aid society of a certificate that he has been so placed for adoption. 1965, c. 119, s. 16, *part*.

Where fee
payable

(2) Where a child who has been promoted or transferred to a secondary school and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act or pursuant to an agreement under subsection 2 of section 30 and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district or pursuant to an agreement under subsection 2 of section 30 for the current school year, the board of the district, or the board of the secondary school district with which an agreement has been made under subsection 2 of section 30, shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. 1965, c. 119, s. 16, *part*; 1966, c. 141, s. 9.

R.S.O. 1960,
c. 361

- (3) A child who has completed the elementary school course and whose mother,
 (a) resides in Ontario;
 (b) is the sole support of the child;
 (c) is not assessed as a supporter of a secondary school; and
 (d) boards her child in a residence that is assessed to the support of a secondary school and that is not a children's boarding home as defined in *The Children's Boarding Homes Act*,
Admission of a child whose mother is the sole supporter, etc.
R.S.O. 1960, c. 54

shall be admitted to a secondary school by the board of the secondary school district in which he resides without the payment of a fee. R.S.O. 1960, c. 362, s. 71 (3).

72.—(1) A resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district shall furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating,
Admission of resident pupil from other district

- (a) the name of the secondary school district in respect of which he is a resident pupil;
- (b) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and
- (c) the authority, under this Act, under which the pupil claims to have a right to attend the school.

(2) The principal of the school shall forward the statement to the secretary of the board that operates the school and, if the pupil is admitted, the secretary of the board shall forthwith notify the secretary of the board of the district of which the pupil is a resident pupil of the fact of the admission and of the information included in the statement. 1964, c. 106, s. 18.
Notice of admission

73.—(1) Where,
Disagreements as to cost of education or fees

- (a) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 70; or
- (b) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 70,

the matter shall be referred to the county judge who shall determine the matter. 1964, c. 106, s. 19 (1).

**Reference
and
directions**

(2) Either party may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he may deem fit. R.S.O. 1960, c. 362, s. 73 (2).

**Filing of
documents,
etc.**

(3) The parties shall file with the judge such financial statements and balance sheets of the affairs of the board providing the instruction, such copies, extracts or information taken from the school registers as to enrolment and attendance of all pupils and of the pupils in respect of whom the cost of education or fees are payable and as to the names and addresses of such pupils and their parents or guardians, and such other statements, accounts, records, books and documents as may appear to the judge to be requisite in order fully and finally to ascertain all matters pertinent to the determination of the fees to be paid by the board or the fees to be paid by the municipality, as the case may be. R.S.O. 1960, c. 362, s. 73 (3); 1964, c. 106, s. 19 (2).

**Costs of
reference**

(4) The costs of the reference to the judge are in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the costs shall be paid. R.S.O. 1960, c. 362, s. 73 (4).

**Additional
county levies**

74.—(1) The council of any county may raise, in addition to any sum that it is required to raise by this Act, such further sums as it may deem expedient for the maintenance or permanent improvements of the continuation or high schools situated in the county, but any additional sum so raised shall be by a general county levy and, subject to subsection 2,

- (a) if the sum is raised for the continuation schools, shall be apportioned among all the continuation schools in proportion to the liability of the county to each board; and
- (b) if the sum is raised for the high schools, shall be apportioned among all the high schools in proportion to the liability of the county to each board.

**Grants to
particular
schools**

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the continuation or high schools in the county without making a similar provision for the other continuation or high schools.

**Local
municipality
grants**

(3) The council of any municipality which, or any part of which, is included in a secondary school district, in addition to any sum that it is required to raise by this Act, may make

grants as it may deem expedient for the maintenance or permanent improvements of the secondary school or schools in the district, or any of them. R.S.O. 1960, c. 362, s. 74.

75. REPEALED: 1964, c. 106, s. 20.

76.—(1) The council of a county may establish a secondary school consultative committee of three persons appointed by the council, and a public school inspector, designated by the Minister, shall be secretary of and adviser to the committee, and the district secondary school inspector shall be an adviser to the committee, but the inspectors are not entitled to vote as members of the committee. 1967, c. 91, s. 14 (1).

(2) The council may submit to the committee and direct Functions it to report upon petitions for the establishment of new secondary school districts or the alteration of the boundaries of existing secondary school districts, and may direct the committee to obtain information and make recommendations regarding,

- (a) the desirability of establishing new secondary school districts and the boundaries thereof;
- (b) the retention of existing secondary school districts and the alteration of the boundaries thereof;
- (c) the advisability of continuing or discontinuing existing continuation school districts, or their absorption into high school districts; and
- (d) any other matters affecting secondary school education in the county.

(3) The Minister may direct the committee to obtain and supply the Department with information upon any question affecting applications for the approval of secondary school districts or of sites or buildings therefor. R.S.O. 1960, c. 362, s. 76 (2, 3).

(4) All secondary school boards having jurisdiction within the county shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident and other pupils and of all revenues and expenditures together with any further information that the committee may require concerning matters in any way affecting the provision of secondary school education in the county. R.S.O. 1960, c. 362, s. 76 (4); 1966, c. 141, s. 10 (2).

(5) The reports and recommendations of the committee Reports, etc., not are not binding upon the Minister, the county council or any binding of the secondary school boards having jurisdiction in the county. R.S.O. 1960, c. 362, s. 76 (5).

Expenses

(6) A county may reimburse the members of the committee for their actual expenses incurred on business of the committee. 1967, c. 91, s. 14 (2).

Consultative committee in territorial district

77.—(1) The Minister may establish in a territorial district one or more secondary school consultative committees which, subject to subsection 2, shall be composed of three persons appointed by the Minister, and a public school inspector, designated by the Minister, shall be secretary of and adviser to the committee, and the district secondary school inspector shall be an adviser to the committee, but the inspectors are not entitled to vote as members of the committee. 1967, c. 91, s. 15 (1).

Municipal appointment

(2) The council of any municipality having a population of 2,000 or more and situated in the territorial district, or part thereof, for which the committee is established may appoint one member of the committee.

Functions

(3) The committee shall obtain information and make recommendations to the Minister regarding,

- (a) the desirability of establishing new secondary school districts and the boundaries thereof;
- (b) the retention of existing secondary school districts and the alteration of the boundaries thereof;
- (c) the advisability of continuing or discontinuing existing continuation school districts, or their absorption into high school districts; and
- (d) any other matters affecting secondary school education in the territorial district, or part thereof, for which the committee is established.

Information to be supplied to committee

(4) All secondary school boards and municipal councils having jurisdiction within the territorial district, or part thereof, for which the committee is established shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident and other pupils and of all revenues and expenditures with respect to secondary school education, together with any further information that the committee may require concerning matters in any way affecting the provision of secondary school education in the territorial district or part thereof.

Reports, etc., not binding

(5) The reports and recommendations of the committee are not binding upon the Minister or any school board or municipal council having jurisdiction in the territorial district or part thereof. R.S.O. 1960, c. 362, s. 77 (2-5).

Expenses

(6) The actual expenses incurred on business of the committee by members of the committee appointed by the

Minister shall be paid out of such moneys as may be appropriated therefor by the Legislature.

(7) The actual expenses incurred on business of the committee by a member of the committee appointed by the council of a municipality shall be paid by the municipality. ^{Idem}
1967, c. 91, s. 15 (2).

78. REPEALED: 1961-62, c. 131, s. 7.

79.—(1) Any person may, with the approval of the secondary school board concerned, establish scholarships, <sup>Establish-
ment of
etc.</sup> bursaries or prizes.

(2) A secondary school board may award bursaries or prizes to its pupils under such terms and conditions as the board may deem expedient and prescribe. R.S.O. 1960, c. 362, s. 79.

80. Sections 78 and 81 of *The Public Schools Act* apply <sup>Application
of
R.S.O. 1960,
c. 330,
ss. 78, 81</sup> *mutatis mutandis* to a by-law of a municipality or county for forming, altering or dissolving a high school district or establishing a board of education and an award made by arbitrators in relation thereto. 1967, c. 91, s. 16.

EXTRACT

The following provision appears as section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1965* (Statutes of Ontario, 1965, chapter 119):

17. Where under any special Act one or more municipalities or parts thereof are detached from a high school district in which one or more vocational schools, or vocational additions to secondary schools, have been built under a technical and vocational training agreement entered into by Canada and Ontario, and the cost thereof was assumed by Canada and Ontario, such schools or additions to schools shall not be deemed to be an asset of the board of the high school district for the purpose of the adjustment of assets and liabilities, unless otherwise specifically provided in the special Act. <sup>Vocational
schools under
Federal-
Provincial
agreement
not deemed
asset when
district
decreased</sup>

INDEX

SECTION	SECTION
Adjoining	
• defined for purposes of ss. 8, 11-15.....10	
Advisory vocational committees	
• appointment of.....42 (1)	
• chairman, right to vote.....43 (7)	
• composition of.....42 (2-6)	
• co-opted members.....44 (1,2)	
• term of office.....44 (3)	
• co-ordinating officers.....46 (5)	
• estimates, included in board estimates.....47 (1)	
• members	
• appointment of.....42 (2-6), 43 (1)	
• failure to make.....42 (5)	
• co-opted.....44	
• qualifications of.....45	
• tenure of office.....43 (2-3)	
• officers, who to be.....46 (4)	
• powers of.....46 (1,2)	
• qualifications of members.....45	
• quorum.....43 (6)	
• reports, approval of board.....46 (3)	
• representation on.....42 (5a)	
• vacancies, filling of.....43 (4,5)	
Agreements	
• provision re.....30 (2); 66 (1-4)	
Arbitration	
• debenture debt liability, apportionment.....35 (6-12), 36	
• dissolution of continuation school.....6 (5)	
• appeal from award.....6 (6)	
• request for.....35 (6)	
Arrears of School Taxes	
• return of collector re.....26 (6-9)	
• sale of land for.....26 (10)	
Assessment	
• defined.....35 (13) (a)	
Award	
• appeal from.....6 (6)	
• copies of, to school boards.....6 (6)	
Board—<i>See also</i> Boards of Education; Continuation School Boards; High School Boards; Public School Boards; Secondary School Boards; Separate School Boards	
• defined for Part III.....39	
Boards of education	
• advanced and special courses in high schools.....63 (1)	
• advisory vocational com- mittees— <i>see also</i> Advisory vocational committees	
• appointment of members.....42 (2-6)	
• composition of.....54	
• debentures, issue and apportion- ment of liability.....52 (2)	
• defined.....49	
• dissolution.....61 (1,2,5)	
• assets and liabilities, distribution of.....61 (4,6)	
• boards of education— <i>Con.</i>	<i>Con.</i>
• dissolution— <i>Con.</i>	
• school boards established on.....61 (3)	
• validity of proceedings re.....80	
• elections	
• by municipalities.....55 (1-3)	
• first election.....56 (3,5)	
• method.....54 (1); 55a (3); 56 (1)	
• one municipality, for.....60	
• number of votes.....56 (4)	
• re-election, retiring members eligible for.....56 (11)	
• retirement where members have equal votes.....56 (9)	
• subsequent to first.....56 (10)	
• establishment of.....50 (1)	
• assets and liabilities of dissolved school boards.....52 (1)	
• in one municipality.....51 (1,5,6)	
• in territorial district.....51 (3,5,6)	
• in two or more municipalities.....51 (2,5,6)	
• in unorganized territory.....51 (4)	
• on exempt lands.....51 (4a)	
• validity of proceedings re.....80	
• high school board trustees, appointment of.....25 (3)	
• high school courses, power to modify.....63 (1)	
• members	
• additional representation required, when effected.....56 (14)	
• appointed	
• restrictions on.....57 (1)	
• vacancies in office.....57 (3,4)	
• appointing body not eligible as.....56 (13)	
• appointment	
• by counties.....54 (3); 55 (4); 55a (4)	
• by separate school boards.....54 (2); 55 (4); 55a (4) 56 (12)	
• failure of, effect.....57 (3)	
• disqualification of.....59	
• elected, vacancies in office.....58	
• election of— <i>see</i> Elections	
• first members, terms of office.....56 (6)	
• where one elected.....56 (7,8)	
• number to be elected.....55 (1-3); 55a (1,2)	
• residence qualification.....56 (2)	
• to be trustees.....50 (5)	
• name of.....50 (3,4)	
• powers and duties.....50 (2)	
• property, appropriation for own purposes.....53	
• <i>Public Schools Act</i> , application of.....64	
• restrictions on appointed members.....57 (1)	
• status of.....50 (2)	
• territorial district, in.....51 (3)	
• unorganized territory, in.....51 (4)	
• vacancies in office.....57 (3,4); 58	

SECTION	SECTION
Boards of education—<i>Con.</i>	
• vocational schools— <i>see also</i> Vocational schools	
• • power to establish.....40 (1)	
Bursaries	
• establishment of.....79 (1)	
Children's aid society	
• wards, admission of.....71 (1-2)	
City	
• high school district, as.....11, 16 (2); 20	
Consultative committees	
— <i>See Counties</i>	
Continuation school boards	
• appointments to.....2 (6)	
• composition of	
• • where established by one board.....2 (2)	
• • where established by two or more boards.....2 (5)	
• • where township area absorbs school section or part.....5 (1-4)	
• dissolution of school, continuation to function.....6 (7,8)	
• election of trustees.....5 (1) (b), (2) (b), (3,4,6)	
• estimates by.....4 (3)	
• powers of.....7 (1)	
• trustees, election of.....5 (1) (b), (2) (b), (3,4,6)	
Continuation schools	
• alteration of districts.....5 (7); 12 (1a)	
• boards— <i>See Continuation school boards</i>	
• cost of establishment and maintenance	
• • agreement re.....2 (4)	
• • in union school section.....4 (2)	
• levies for	
• • generally.....4 (1)	
• • where township area absorbs school section or part.....5 (1) (a), (2) (a), (5)	
• dissolution of.....6 (1-3)	
• continuation of board to function.....6 (7,8)	
• where absorbed into high school district, effect.....3 (2)	
• districts, overlapping high school districts, effect.....3 (2)	
• establishment.....2 (1,3)	
• by one board, continued.....2 (1)	
• • control and management.....2 (2)	
• by two or more boards	
• • amendment of agreement.....2 (7)	
• • appointments to.....2 (6)	
• • control and management.....2 (5)	
• cost of— <i>see cost of establishment and maintenance</i>	
• high school district, in, prohibited.....3 (1)	
• money required for, levies for.....4 (1)	
• <i>Public Schools Act,</i> application of.....7 (2)	
Counties—<i>See also County judge</i>	
• district, all parts to be in.....12 (1a)	
County	
• appointment of trustees.....23	
• boards of education, appointment of members to.....54 (3); 55 (4)	
• clerk, preparation of high school map by.....8 (2)	
• consultative committees	
• • establishment of.....76 (1)	
• • expenses.....76 (6)	
• • functions.....76 (2)	
• information to be supplied to.....76 (4)	
• • Minister may use.....76 (3)	
• reports, binding effect.....76 (5)	
• territorial districts, in	
• • • appointment of members by municipalities.....77 (2)	
• • • establishment.....77 (1)	
• • • expenses.....77 (6,7)	
• • • functions.....77 (3)	
• • • information to be supplied to.....77 (4)	
• • • reports, binding, effect.....77 (5)	
• debentures, issue of.....32	
• defined.....15 (3)	
• grants to particular schools.....74 (2)	
• high school debentures, issue of.....32	
County consultative committees	
— <i>See County</i>	
County judge	
• costs of education and fees, disagreements, settlement of.....73	
• dissolved continuation school, determination of arbitrators re assets and liabilities.....15 (3-5)	
• • appeal from.....6 (6)	
Debentures—<i>See High school debentures</i>	
Definitions	
• <i>see Schools Administration Act,</i> s.1	
Districts—<i>See Continuation school districts; High school districts; Secondary school districts; Territorial districts</i>	
Electors	
• submission of debenture application to.....31 (5)	
Equalization factor	
• defined.....35 (13) (b)	
Equalized assessment	
• defined.....35 (13) (c)	
Estimates	
• high school board, of.....34 (1)	
• payment of.....34 (2)	
Evening classes	
• adults attending.....41 (5)	
• establishment of.....40 (2) (c)	

SECTION	SECTION
Fees	
<ul style="list-style-type: none"> • limitation on attendance without paying.....70 (6) • payable.....70 (2-4) • disagreements as to.....73 • pupils, of.....70 • when not payable.....70 (1) 	
High school boards	
<ul style="list-style-type: none"> • advisory vocational committees— <i>See also Advisory vocational committees</i> • appointment of members.....42 (1-6) • assets and liabilities • on discontinuance of district.....18; 19 • on enlargement of district.....14; 19 • boards of education—<i>see also Boards of education</i> • effect of establishment.....52 (1) • continuance for purposes of disposition of assets and liabilities.....19 • corporate name.....28 • debentures—<i>see High school debentures</i> • declaring schools open.....65 (1) • revocation of declaration.....65 (6) • estimates, submission to municipal council.....34 (1) • liability for rates.....35 (1-3) • meetings, first of new board.....12 (6) • membership • qualification for trustee.....21 • proportionate liability of.....34 (2), 35 (1-3) • school property vested in.....38 (1) • transfer or lease of.....38 (2,3) • schools, duty to establish and maintain.....30 (1,2) • where none maintained.....30 (3) • trustees • appointment of <ul style="list-style-type: none"> • by boards of education.....25 (3) • by counties.....23 • by municipalities.....22 • by public school boards.....25 (1,2) • by separate school boards.....24 • time for.....29 (2-4) • district enlarged or decreased, effect.....27 • retirement, order for.....22 (5); 23 (3) • term of office.....29 (1) • vacancies in office.....29 (5) • unorganized territory, for.....26 • vacancies on.....29 (5) • vocational schools—<i>see also Vocational schools</i> • power to establish.....40 (1) 	
High school debentures	
<ul style="list-style-type: none"> • application by board for.....31 (1-3) • council disagreeing, procedure.....31 (5-7) • apportionment of costs of.....34 (2) 	High school debentures—Con. <ul style="list-style-type: none"> • by-laws, consent of electors not required.....31 (8) • expenses re.....33 (2) • general provision for.....31 (1) • issue of <ul style="list-style-type: none"> • by counties.....32 • by municipalities.....31 (4) • liability for debt, apportionment between municipalities.....35 (1-5, 13) • arbitration re.....35 (6-12); 36 • payment of money to board.....33 (1) • terms of.....31 (9)
High school districts	
	<ul style="list-style-type: none"> • adjustment of assets on decrease of.....15 (3-7) • boundaries • alteration of, forwarding copy of by-law.....8 (3) • county clerk to prepare map.....8 (2) • city as.....11 (1) • discontinuance.....11 (2); 20 • increasing.....11 (3); 20 • continuation schools in.....3 • continuation district, attachment on adjustment.....12 (1a) • county, all parts of, in.....12 (1a) • decreasing.....15; 20 • city or separated town included.....17 • in territorial district.....15 (2); 20 • liability for rates.....35 (1-3) • for debts.....15 (3-7) • discontinuance • assets and liabilities on.....18 • by city or separated town.....11 (2); 20 • by counties.....12 (1); 20 • city or separated town included.....17 • in unorganized territory.....14 (4) • validity of proceedings re.....80 • enlargement.....11 (3) • assets and liabilities on.....14 • by counties.....13 (1); 16 (1) (b); 20 • in territorial districts.....13 (2,3); 20 • establishment.....12 (1); 16 (1) (a); 20 • forwarding copy of by-law.....8 (3) • in territorial districts.....12 (3); 20 • in unorganized territory.....12 (4) • on Crown land.....12 (5) • on land exempt from taxes.....12 (5) • validity of proceedings re.....80 • existing, confirmation of.....9 • minimum size.....8 (1) • separated town as.....11 (1) • discontinuance.....11 (2); 20 • increasing.....11 (3); 20 • size of.....8 (1) • exception.....8 (1) • tax arrears, procedures in.....26 (11) • village, when includable.....12 (2); 20
High schools	
	<ul style="list-style-type: none"> • advanced and special courses, provision of.....63 (1) • boards—<i>see High school boards</i>

SECTION	SECTION
High Schools—Con.	
• debentures— <i>see High school debentures</i>	
• declaration of being open.....65 (1)	
• . revocation of.....65 (6)	
• districts— <i>see High school districts</i>	
• establishment and maintenance by board.....30	
• fees.....70, 73	
• modification of courses.....63 (1)	
• permanent improvements, municipality may assume full cost.....35 (14)	
• property	
• . transfer or lease of.....38 (2,3)	
• . vested in board.....38 (1)	
• pupils— <i>see Pupils</i>	
Indian pupils	
• agreements re accommodation.....66 (3,4)	
Lieutenant-Governor in Council	
• power to establish high school districts in unorganized territory.....12 (4)	
Municipalities	
• appointment of trustees.....22	
• boards of education, establishment of.....51 (1,2,5,6)	
• current rates, levying and collection for high school boards.....34 (2)	
• grants by.....74 (3)	
• high school debentures	
• . apportionment of liability.....35	
• . . unorganized territory, re.....36	
• . payment of money to board.....33 (1)	
• . procedure for.....31	
• . request to county to issue.....32	
• high schools, assuming full cost of permanent improvements to.....35 (14)	
• liability for rates on.....35 (1-3)	
• decreasing high school district.....15 (3-7)	
• population over 2,000 in territorial districts.....66 (2)	
• ratepayers	
• . defined.....21 (4)	
• . when qualified for membership of high school board.....21	
Non-resident pupils	
• admission to schools.....68 (5)	
• . from other districts.....72 (1)	
Pre-vocational school courses	
— <i>See Vocational schools</i>	
Prizes	
• establishment of.....79 (1)	
Public school boards	
• appointment of trustees to high school boards.....25 (1,2)	
• effect of establishment of boards of education.....52 (1)	
Pupils—<i>See also Non-resident pupils; Resident pupils</i>	
• admission	
• . to evening courses.....67 (5,6)	
• . to grades.....67 (1-4)	
• fees for.....70; 73	
Ratepayer	
• defined.....21 (4)	
Rates	
• current purposes, for.....34 (2)	
Resident pupils	
• attending schools, rights.....68	
• . disagreements as to.....73	
• defined.....1 (2)	
• fees.....70 (2)	
• . disagreements as to.....73	
• . when not payable.....70 (1)	
• restrictions.....68 (3)	
Scholarships	
• establishment of.....79 (1)	
Schools—<i>See Continuation schools; High schools; Vocational schools</i>	
• <i>Schools Administration Act</i> ,	
application of.....48	
. . fees payable.....70 (2-4)	
Secondary school boards	
• bursaries, power to award.....79 (2)	
• child supported by mother	
admission of.....71 (3)	
• declaring schools open.....65 (1)	
• . revocation of declaration.....65 (6)	
• education outside, agreements for.....66	
• non-resident pupils	
admission of.....68 (5)	
• prizes, power to award.....79 (2)	
• wards of aid societies	
admission of.....71 (1-2)	
Secondary school districts	
• resident pupils, rights to attend schools.....68	
Separate school boards	
• boards of education, appointment of members to.....54 (2); 55 (4); 56 (12)	
• high school boards, appointment of trustees to.....24	
Separated town	
• high school district, as.....11; 16 (2); 20	
Special vocational schools	
— <i>See Vocational schools</i>	
Taxation	
• continuation schools, for.....4	
Territorial districts	
• boards of education in.....51 (3,5)	
• consultative committees in.....77	
• high school districts	
• . decreasing in.....15 (2); 20	
• . enlargement in.....13 (2,3); 20	
• . establishment in.....12 (3); 20	

SECTION	SECTION
Trustees — <i>See Continuation school boards; High school boards</i>	
. disqualifications as.....21 (2)	
. local board, as member of other....21 (2)	
. parts of municipality not rated for.....22 (3)	
Unorganized territory	
. boards of education in.....51 (4)	
. high school boards for.....26	
. high school districts	
. apportionment of liability for debenture debt.....36	
. establishment and discontinuance.....12 (4)	
Vocational schools	
. adults, admission of.....41 (4)	
. advisory vocational committees— <i>see Advisory vocational committees</i>	
	Vocational Schools—Con.
	. costs of, how provided.....47 (2)
	. courses of study.....40 (2)
	. declaring open by board.....65 (1)
	. revocation of declaration.....65 (6)
	. establishment and maintenance.....30; 40 (1)
	. special schools.....40 (3)
	. pre-vocational school courses
	. admission of pupils to.....41 (1)
	. transfer of pupils from.....41 (5)
	. special schools
	. admission of pupils to.....41 (2,3)
	. establishment of.....40 (3)
	. transfer of pupils from pre-vocational school courses.....41 (5)
	Wards
	. admission of.....71 (1-2)



The Separate Schools Act

Revised Statutes of Ontario, 1960

CHAPTER 368

as amended by

1960-61, Chapter 94; 1961-62, Chapter 132;
1962-63, Chapter 132; 1964, Chapter 108; 1965, Chapter 122;
1966, Chapter 143; and 1967, Chapter 93

1967

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PARTIAL LIST
of the Acts Pertaining to the
ADMINISTRATION OF EDUCATION
IN ONTARIO

- The Department of Education Act
- *The Public Schools Act
- The Schools Administration Act
- *The Secondary Schools and Boards of Education Act
- *The Separate Schools Act
- The Ontario School Trustees' Council Act
- The Teachers' Superannuation Act
- The Teaching Profession Act
- The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

The Separate Schools Act

R.S.O. 1960, CHAPTER 368

as amended by

1960-61, Chapter 94; 1961-62, Chapter 132;
1962-63, Chapter 132; 1964, Chapter 108; 1965, Chapter 122;
1966, Chapter 143; and 1967, Chapter 93

PART I

PROTESTANT SEPARATE SCHOOLS

1.—(1) Subject to subsection 3, five or more heads of families resident in a municipality and being Protestants may, before the 1st day of July in any year, apply in writing, in the case of a township, to the council of the township or, in the case of an urban municipality, to the public school board for permission to establish in the municipality one or more separate schools for Protestants.

(2) Subject to subsection 3, the council or the public school board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants.

(3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics. 1964, c. 108, s. 1, *part*.

2. Where a Protestant separate school is to be established in a township, the township council shall determine the location of the school. 1964, c. 108, s. 1, *part*.

3. A Protestant separate school board in an urban municipality may operate one school in each ward, or one school to serve two or more wards. 1964, c. 108, s. 1, *part*.

4. A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public school board, as the case may be. 1964, c. 108, s. 1, *part*.

5.—(1) Every person paying rates on property that he occupies as owner or tenant in a municipality in which a Protestant separate school is established, who, by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Protestant and that he wishes to be a Protestant

separate school supporter, is exempt from the payment of all rates imposed on such property for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a Protestant separate school supporter with respect to such property.

No renewal required

Certificate of notice

Penalty for wilful false statements in notice

As to rates imposed before Protestant separate school established

Withdrawal of support

Index book

Inspection

Filing of notices

Assessor to be guided by index

Not to share in public school assessment

(2) The notice is not required to be renewed annually.

(3) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and liable to a fine of \$40.

(5) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or school-houses, imposed before the establishment of the Protestant separate school. 1964, c. 108, s. 1, *part*.

6. A Protestant separate school supporter who desires to withdraw his support from a Protestant separate school shall give notice thereof in writing to the clerk of the municipality in which he resides on or before the 30th day of September in any year, otherwise he shall be deemed to be a supporter of a Protestant separate school. 1964, c. 108, s. 1, *part*.

7.—(1) The clerk of each municipality in which a Protestant separate school is established shall keep an index book to record the names of Protestants who wish to become supporters of a Protestant separate school in the same manner *mutatis mutandis* as is provided for the keeping of an index of Roman Catholics who wish to become supporters of a Roman Catholic separate school.

(2) The index book shall be open to inspection by any ratepayer.

(3) The clerk shall file and carefully preserve all notices given to the clerk of the municipality under sections 5 and 6.

(4) The assessor shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. 1964, c. 108, s. 1, *part*.

8.—(1) Protestant separate schools shall not share in money raised by local municipal assessment for public school purposes.

(2) Every Protestant separate school shall share in the legislative grants in like manner as a public school. 1964, c. 108, s. 1, *part*. ^{Share of legislative grants}

9.—(1) Every Protestant separate school board and principal of a Protestant separate school in a municipality shall transmit reports to the public school inspector designated by the Minister and to the Minister in such form and at such times as the inspector or the Minister may require. ^{Reports}

(2) The clerk or other officer of the municipality in which a Protestant separate school is established who has possession of the assessor's or collector's roll of the municipality shall allow any trustee or the authorized collector of the Board to make a copy of the roll. 1964, c. 108, s. 1, *part*. ^{Use of assessor's roll by board}

10. Every person who is assessed as a Protestant separate school supporter and whose name appears on the voters' list of the municipality in which the land in respect of which he or she is assessed is situate, and the wife or husband of such supporter, if she or he is a Protestant, is entitled to vote at the election of trustees and on any school question. 1964, c. 108, s. 1, *part*. ^{Qualification of a voter}

11.—(1) A Protestant separate school trustee shall have the same qualifications as a public school trustee, except that he shall be a supporter of a Protestant separate school. ^{Qualification of a trustee}

(2) A Protestant separate school board shall have the same number of trustees as a Roman Catholic separate school board would have if established in the same municipality, and the trustees may be elected in the same manner as Roman Catholic separate school trustees may be elected, and the provisions of Part II with respect to the election of trustees of Roman Catholic rural and urban separate schools apply *mutatis mutandis* to the election of trustees of Protestant rural and urban separate schools. 1964, c. 108, s. 1, *part*. ^{Election of trustees}

12. The trustees of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the (*City, Town, Village or Township*) of.....". 1964, c. 108, s. 1, *part*. ^{Corporate name of board}

13. A Protestant separate school board has the same powers as a rural public school board in territory without municipal organization, and the regulations under *The Department of Education Act* with respect to elementary schools apply to every Protestant separate school board. 1964, c. 108, s. 1, *part*. ^{Powers of board R.S.O. 1960, c. 94}

Discontinuing board

14. A Protestant separate school board is discontinued in the same manner as a Roman Catholic separate school board and may be re-established in the manner provided in section 1. 1964, c. 108, s. 1, *part*.

Application
of ss. 28-31,
55-57

15. Sections 28 to 31 and 55 to 57 apply in respect of Protestant separate schools and Protestant separate school boards. 1964, c. 108, s. 1, *part*.

Application
of Part

16. This Part applies to separate schools for Roman Catholics now or hereafter established. R.S.O. 1960, c. 368, s. 16.

Interpre-
tation

17. In this Part,

R.S.O. 1960,
c. 23

- (a) "combined separate school zone" means a union of two or more separate school zones;
- (aa) "Department" means the Department of Education;
- (b) "Minister" means the Minister of Education;
- (ba) "parcel of land" means a parcel of land that by *The Assessment Act* is required to be separately assessed;
- (c) "regulations" means the regulations made under *The Department of Education Act*;
- (d) "rural school" means a separate school for Roman Catholics in a township or in territory without municipal organization;
- (da) "rural separate school zone" means a separate school zone established under section 18 in a school section in one or more townships or under section 21 in territory without municipal organization;
- (e) "secretary" or "treasurer" includes a secretary-treasurer;
- (f) "separate school" means a separate school for Roman Catholics;
- (fa) "separate school zone" means the area in which property may be assessed to support a separate school or schools under the jurisdiction of one separate school board;

R.S.O. 1960,
c. 94

PART II

ROMAN CATHOLIC SEPARATE SCHOOLS

ESTABLISHMENT

- (g) "urban school" means a separate school for Roman Catholics in a city, town or village;
- (h) "urban separate school zone" means a separate school zone established under section 18 in an urban municipality. R.S.O. 1960, c. 368, s. 17; 1962-63, c. 132, s. 1; 1966, c. 143, s. 1.

18.—(1) Not less than five heads of families, being householders or freeholders resident within any public school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. R.S.O. 1960, c. 368, s. 18. Meeting to establish a separate school

(2) Where a separate school is to be established in a ^{in township} _{school area} township school area, the householders or freeholders referred to in subsection 1 shall be resident within a former school section as it existed immediately before the formation of the township school area. 1965, c. 122, s. 1. in township school area

18a. Any person being a Canadian citizen and not less ^{Trustees' qualifications} than twenty-one years of age may be elected a trustee whether he is or is not a householder or freeholder. 1965, c. 122, s. 2. Trustees' qualifications

19.—(1) A majority of the persons present, being householders or freeholders, and Roman Catholics, may at the meeting elect from the duly qualified persons the requisite number of trustees. R.S.O. 1960, c. 368, s. 19. Election of trustees

(2) Where a meeting is convened to establish a separate school in an urban municipality that is divided into wards, unless at such a meeting a motion is passed to elect trustees by wards in accordance with section 36, the trustees shall be elected by general vote. 1961-62, c. 132, s. 1. In urban municipalities in wards

20.—(1) Notice in writing that the meeting has been held, and of the election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences the persons elected as trustees. Notice of meeting; and to whom given

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the notice so endorsed and duly certified by him to the trustee, who shall forthwith transmit the copy and a copy of the minutes of the meeting and of the notice calling it to the Department. Notification of result to Department

Corporate name of trustees

(3) From and after the delivery of the notice to such officer the trustees therein named are a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (Town or Village, as the case may be) of....." and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number, in the Township of.....".

Name of board in a township school area

(4) Where a separate school is established in a township school area or in a consolidated school section, the name of the board of the separate school shall include the number of the former school section in which the school is situated.

R.S.O. 1960, c. 368, s. 20.

Meeting for purpose of electing trustees

21.—(1) In unorganized townships and in any part of Ontario not surveyed into townships any number of heads of families, not less than ten, who are Roman Catholics, may, at a public meeting called for that purpose, elect three of their number as school trustees, and the trustees so elected have all the powers of public school boards in unorganized townships, and are in all other respects subject to the provisions of this Act. R.S.O. 1960, c. 368, s. 21 (1).

Corporate name of board

(2) The trustees are a body corporate under the name of,

(a) where the separate school is located in an unorganized township, "The Roman Catholic Separate School Board No. of the Township of in the Territorial District of"

(inserting the number of the school section in which the separate school is located and, if it is not in a school section, inserting a number selected by the inspector that will be used until a school section is formed that includes the separate school within its boundaries);

(b) where the separate school is located in unsurveyed territory, "The Roman Catholic Separate School Board of in the Territorial District of"

(inserting a name selected by the inspector and the name of the territorial district). R.S.O. 1960, c. 368, s. 21 (2); 1960-61, c. 94, s. 1 (1).

Legislative grants

(3) On receipt of notice by the Department signed by the trustees so elected that a school has been established and suitable accommodation provided for school purposes, the Minister may pay to the board out of the appropriation made by the Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant Governor in Council.

(4) The board may appoint a fit and proper person, who <sup>Appoint-
ment of
collector</sup> may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums that the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to the collector at the rate of not less than 5 and not more than 10 per cent on the money collected by him, and every collector shall give such security as may be required by the board.

(5) Every collector has the same powers in collecting the <sup>Powers and
duties of
collectors</sup> school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township. R.S.O. 1960, c. 368, s. 21 (3-5).

(6) The collector shall, on or before the 8th day of April <sup>Return of
arrears of
taxes in
unorganized
territory</sup> in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

(7) The sheriff shall enter in a book to be kept by him for <sup>Entry in
sheriff's
book</sup> that purpose the particulars furnished by the collector.

(8) The collector shall not receive any payment on account <sup>Payment of
arrears
thereafter</sup> of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

(9) After the expiration of such period, all such arrears <sup>When
arrears to
be paid
to sheriff</sup> are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.

(10) When it appears from the entries in the book kept <sup>Sale of
lands for
arrears</sup> by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. 1960-61, c. 94, s. 1 (2).

Courts of
revision,
assessment
appeals, etc.
R.S.O. 1960,
c. 330

Right to
vote re
establish-
ment of
separate
school

21a. Sections 57 and 58 of *The Public Schools Act* apply *mutatis mutandis* with respect to separate schools in territory without municipal organization. 1961-62, c. 132, s. 2.

21b.—(1) A Roman Catholic who is a householder or freeholder and of the full age of twenty-one years and who desires to establish a separate school is entitled, in the year in which the separate school is established, to vote on any matter relating to such separate school if,

- (a) in the case of a township, he resides in the school section in which the separate school is being established; or
- (b) in the case of an urban municipality, he resides in the municipality; or
- (c) in the case of a separate school for a ward in an urban municipality, he resides in the ward; or
- (d) in the case of territory without municipal organization, he resides in territory without municipal organization and within three miles of the centre designated by the ten or more heads of families who call a meeting under subsection 1 of section 21.

Persons
qualified
to call
meeting
under s. 21

(2) The persons who are entitled to vote under clause d of subsection 1 are the persons qualified to call a meeting under subsection 1 of section 21. 1962-63, c. 132, s. 2.

22.—(1) REPEALED: 1965, c. 122, s. 3 (1).

Right of
person to
attend
separate
school

(2) Every person who has attained the age of five years on or before the 31st day of December in any year and whose parent or guardian resides in a separate school zone and is a separate school supporter has the right to attend, after the 1st day of September in the following year, a separate school in that zone at the expense of the separate school board, except a person who, by reason of mental or physical defect, is unable to profit by instruction in the separate school or a person who has attained the age of twenty-one years. 1962-63, c. 132, s. 3 (1).

Determi-
nation as to
whether or
not person
can profit by
instruction

(3) Where a question arises as to whether or not a person can profit by instruction in a separate school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final.

Evidence
as to right
to attend

(4) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the separate school, including proof of age.

(5) Where a board operates a kindergarten in a separate school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 2.

(6) Where the board operates a junior kindergarten in a separate school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 2. R.S.O. 1960, c. 368, s. 22 (3-6).

(7) The board may charge a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 2. R.S.O. 1960, c. 368, s. 22 (7); 1965, c. 122, s. 3 (2).

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward and no fee shall be charged by the board. R.S.O. 1960, c. 368, s. 22 (8); 1965, c. 122, s. 3 (3).

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a separate school by the board of the separate school that is supported by the assessment of the residence in which he resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that he has been so placed for adoption. 1965, c. 122, s. 3 (4).

(9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. R.S.O. 1960, c. 368, s. 22 (9); 1965, c. 122, s. 3 (5).

- (10) Subject to subsection 2, a child whose mother,
- (a) resides in Ontario;
 - (b) is the sole support of the child;
 - (c) is not assessed as a supporter of a public or separate school in any school section; and

Admission
of child
whose
mother
is sole
supporter,
etc.

R.S.O. 1960,
c. 54

Admission
where
separate
school
supporter
moves into
residence
assessed
to public
school
support

Agreement
between
boards

R.S.O. 1960,
c. 361

Agreements
between
public and
separate
school
boards

R.S.O. 1960,
c. 361

Where
separate
school
supporter
resides in
one zone
but is
closer by
road to a
separate
school in
another
zone

R.S.O. 1960,
c. 361

- (d) boards her child, who is a Roman Catholic, with a supporter of a separate school in a residence other than a children's boarding home as defined in *The Children's Boarding Homes Act*,

shall be admitted to the separate school without the payment of a fee. R.S.O. 1960, c. 368, s. 22 (10).

(11) Subject to subsection 2, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school zone in which he and his parent or guardian reside without the payment of a fee. R.S.O. 1960, c. 368, s. 22 (11); 1962-63, c. 132, s. 3 (2).

(12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose shall charge a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. R.S.O. 1960, c. 368, s. 22 (12); 1965, c. 122, s. 3 (6).

(12a) A separate school board and a public school board may by agreement provide that, where accommodation is available in the schools operated by the public school board, as certified by the public school inspector, the public school board shall furnish education in such course or courses as are not available in the separate schools operated by the separate school board for part or all of the pupils of such separate schools, and the separate school board shall pay to the public school board for each of such pupils a fee not in excess of that calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. 1964, c. 108, s. 2; 1966, c. 143, s. 2.

(13) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the inspector for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the inspector for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. 1962-63, c. 132, s. 3 (3), *part*; 1965, c. 122, s. 3 (7).

(14) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone,
Where a
separate
school
supporter
resides in
one zone
but owns
land in
another
zone

- (a) as an owner; or
- (b) for business assessment; or
- (c) as an owner and for business assessment,

for an amount at least equal to the total assessment for separate school purposes in that zone divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a separate school by the board of that zone without the payment of a fee.

(15) Where a child, whose parent or guardian is a Roman Catholic, resides with his parent or guardian on land that is exempt from taxation for school purposes, he shall be admitted to a separate school that is accessible to him and in which the inspector has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils. 1962-63, c. 132, s. 3 (3), *part*.
Residents
of non-
assessable
property

RURAL SEPARATE SCHOOLS

23. For every rural school there shall be three trustees,
Trustees'
term of
office
 each of whom, after the first election, shall hold office for three years and until his successor has been elected. R.S.O. 1960, c. 368, s. 23.

24.—(1) The trustees elected at the first meeting shall hold office,
Retirement
by rotation

- (a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;
- (b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;
- (c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

(2) A trustee elected to fill a vacancy shall hold office only
Vacancies
 for the unexpired term of the person in whose place he has been elected. R.S.O. 1960, c. 368, s. 24 (1, 2).

(3) REPEALED: 1966, c. 143, s. 3.

Re-election

(4) A retiring trustee may be re-elected with his own consent, otherwise he is exempt from serving for four years next after leaving office. R.S.O. 1960, c. 368, s. 24 (4).

25. REPEALED: 1965, c. 122, s. 4.

Electors, qualification

26.—(1) Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, is entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of the school. R.S.O. 1960, c. 368, s. 26.

Idem

(2) A person who is a Roman Catholic and is the wife of a supporter of a rural separate school who is entitled to vote under subsection 1 is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement. 1962-63, c. 132, s. 4.

Annual meeting

27.—(1) A meeting of the supporters of a rural school for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school.

Idem

(2) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Organization of meeting

(3) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this Part.

Order of business

(4) The business of the meeting may be conducted in the following order:

(a) receiving and dealing with the annual report of the trustees;

- (b) receiving and dealing with the annual report of the auditors;
- (c) electing one or more auditors for the current year;
- (d) electing a trustee or trustees to fill any vacancy or vacancies; and
- (e) miscellaneous business. R.S.O. 1960, c. 368, s. 27 (1-4).

(5) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion, and, in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected, and, in the case of a tie vote on a question, the question is deemed to be negated. 1964, c. 108, s. 3 (1). Chairman, duties

(6) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the poll. Granting poll and proceedings in case of a poll

(7) Where a poll is granted the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper. Entries in poll book

(8) Ballot papers shall be pieces of plain white paper of uniform size. Form of ballot paper

(9) A voter shall mark his ballot,

Marking of ballot paper

- (a) in the election of a trustee, by marking the name of the trustee thereon; and
- (b) on a question, by marking the word "for" or "against" thereon.

(10) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose. Manner of voting

(11) Every candidate may appoint a person to act as his scrutineer during the election. R.S.O. 1960, c. 368, s. 27 (6-11). Appointment of scrutineer

When voter is objected to

(12) When an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration, whereupon the person making the declaration is entitled to vote:

I, declare,

(a) that I am a householder or freeholder assessed to the support of

.....; or
(insert name of board)

(b) that I am the wife of a supporter of

.....; and
(insert name of board)

(c) that I am of the full age of twenty-one years; and

(d) that as such supporter or wife of a supporter I have the right to vote at this meeting. 1965, c. 122, s. 5.

When poll shall close

(13) The poll shall not close before noon, but shall close at anytime thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon.

Polling at afternoon meetings

(14) When the meeting is held at 8 o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at 10 o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded. R.S.O. 1960, c. 368, s. 27 (13, 14).

Counting votes, tie vote

(15) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and,

(a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of a tie vote on a question, the question is deemed to be negated. 1964, c. 108, s. 3 (2).

Declaration of result

(16) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negated as the majority of votes is in favour of or against the same.

Statement of result of poll

(17) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election

of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate.

(18) A correct copy of the minutes of every meeting, signed by the chairman and secretary of the meeting, shall be transmitted forthwith by the secretary to the inspector of the separate school. R.S.O. 1960, c. 368, s. 27 (16-18).

(19) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time the inspector or any two supporters of the school may call a meeting by giving six days notice posted up in at least three of the most public places in the locality in which the school is situate, and the meeting thus called has all the powers and shall perform all the duties of the meeting in the place of which it is called. R.S.O. 1960, c. 368, s. 27 (19); 1966, c. 143, s. 4.

28. A majority of the trustees is a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer or of a secretary-treasurer. R.S.O. 1960, c. 368, s. 28.

29. No act or proceeding is valid that is not adopted at a regular or special meeting of the board of which notice has been given as required by this Act and at which at least two trustees are present. R.S.O. 1960, c. 368, s. 29.

30. It is the duty of the secretary,

Duties of
secretary

- (a) to call, at the request in writing of two trustees, a special meeting of the board; and
- (b) to give notice of all meetings to each of the trustees by notifying him personally or in writing, or by sending a written notice to his residence. R.S.O. 1960, c. 368, s. 30.

31. Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1960, c. 368, s. 31.

32.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the school with one or more other separate schools to form a combined separate school and, where the majority of the supporters of each of two or more separate schools who vote on the question vote in favour of

union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school. 1961-62, c. 132, s. 4 (1) *part*; 1962-63, c. 132, s. 5 (1).

**Adjustment
of rights**

(1a) In order to adjust the rights and claims of the combining boards, the supporters of any school may offer to assume and may assume a differential in rates for a stated period of time. 1966, c. 143, s. 5 (1).

**Dissolution
of boards**

(1b) When a combined separate school becomes one school for all Roman Catholic separate school purposes, the board of each school forming part of the union is dissolved, and all the real and personal property vested in such board is vested in the board of the combined separate school. 1967, c. 93, s. 1 (1).

**Corporate
name**

(2) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of"
(in the case of a combined separate school zone including one or more urban municipalities, insert in order of population, commencing with the municipality having the greatest population, the names of the urban municipalities and, in alphabetical order, the township municipalities and geographic townships in which the Board has one or more centres and the names of rural zones in unsurveyed territory but, where an urban municipality has a population of 2,000 or more, the names of the municipalities having a population of less than 2,000 may be omitted and, in the case of a combined separate school zone that does not include an urban municipality, insert in alphabetical order the names of the township municipalities and geographic townships in which the Board has one or more centres and the names of rural zones in unsurveyed territory and, where the centres of two or more combined separate school zones are located in the same municipality or geographic township, a number shall be assigned by the inspector). 1967, c. 93, s. 1 (2).

**First
trustees**

(2a) For the purpose of electing the first trustees for a combined separate school, the boards of the separate schools forming the combined separate school shall, before the 1st day of December, each appoint a person to a committee, which shall arrange for the election of trustees in accordance with section 27 or 38 and may pass a resolution adopting municipal elections under section 39. 1967, c. 93, s. 1 (3).

(2b) Where a combined separate school is formed or where another separate school is added to or detached from a combined separate school, the trustees in office shall retire on the 1st day of January following the election of trustees of the combined separate school, and, subject to subsections 6 and 6a, five trustees shall be elected by the supporters of the newly-created or altered combined separate school as provided in section 27. 1966, c. 143, s. 5 (3); 1967, c. 93, s. 1 (4).

(3) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year, and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act.* R.S.O. 1960, c. 361, c. 132, s. 4 (2).

(4) In case, at the first election of trustees, two or more trustees receive an equal number of votes or all the trustees are declared elected by acclamation, the question as to which trustees shall hold office for two years shall be determined by lot to be cast by the secretary appointed under subsection 3 of section 27 in the presence of a majority of the elected trustees and the result shall be entered in the minutes of the meeting. R.S.O. 1960, c. 368, s. 32 (4).

(5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year and the trustee elected shall hold office for two years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 43 of *The Schools Administration Act.* R.S.O. 1960, c. 368, s. 32 (5); 1961-62, c. 132, s. 4 (3).

(6) Where a combined separate school zone includes one or more urban municipalities, the board shall be composed of the same number of trustees as the separate school board of the urban municipality having the greatest population would have had under section 35, and the board shall be deemed to be an urban board and the zone shall be deemed to be an urban combined separate school zone. 1965, c. 122, s. 6 (2).

(6a) Notwithstanding subsections 2b and 6, the board of a combined separate school may be composed of such number of trustees, not fewer than five or more than thirteen, representing such municipalities or parts thereof, or separate school zones in territory without municipal organization, within the combined separate school zone as is provided for in a resolution passed by the board, or, in the case of a newly-formed com-

bined separate school, by the committee formed under subsection 2a, and the board of the combined separate school zone shall be deemed to be an urban separate school board.

Election
and term
of office

(6b) Where a resolution is passed under subsection 6a the trustees shall be elected at large in the areas within the combined separate school zone that they respectively represent, and sections 38, 39 and 40 apply *mutatis mutandis*, provided that, where a municipality is divided into wards, the resolution may provide for representation by wards, and the trustees shall hold office for such terms as the resolution prescribes.

Voters' list
for areas in
combined
zone

(6c) Where one or more trustees represent two or more municipalities or parts thereof, or two or more municipalities or parts thereof and one or more separate school zones in territory without municipal organization and a resolution is passed adopting municipal elections under section 39, the resolution shall state in which municipality the vote is to be conducted, and the clerk of each other municipality or part thereof and the secretary of each separate school zone that is represented by the same trustee or trustees shall furnish to the clerk of the municipality in which the vote is to be conducted a list of voters of the municipality or part or zone indicating the names of all persons thereon who are separate school supporters.

Copy of
resolution
to be sent
to Minister

(6d) The board or committee that passes a resolution under subsection 6a shall forthwith send a copy thereof to the Minister. 1967, c. 93, s. 1 (5).

School sites
for a
combined
board

(7) A board of a combined separate school zone may, without the approval of the supporters, acquire a school site in any school section in which a separate school was formed and which became part of the combined separate school zone. 1962-63, c. 132, s. 5 (3), *part*.

Electors'
qualifica-
tions,
urban
combined
separate
school zone

(8) Every person,

- (a) who resides in an urban municipality in an urban combined separate school zone and is entitled to vote at the election of trustees under section 41; or
- (b) who resides in a township or territory without municipal organization in an urban combined separate school zone and would be entitled to vote at the election of trustees under section 26 if the combined separate school were a rural separate school,

is entitled to vote at the election of trustees of the combined separate school and on any school question.

(9) Every person who resides in a rural combined separate school zone and is entitled to vote at the election of trustees under section 26 is entitled to vote at the election of trustees of the combined separate school and, subject to subsection 2 of section 26, on any school question. 1965, c. 122, s. 6 (3).

32a.—(1) Where a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school from the combined separate school is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition. 1961-62, c. 132, s. 5, *part*.

(2) The persons entitled to vote on the question are the supporters of the combined separate school who reside closer to the centre in the portion of the combined separate school zone that it is proposed to detach than to any other centre. 1962-63, c. 132, s. 6.

(3) If, before the 1st day of July in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 27 or 38, as the case may be. 1961-62, c. 132, s. 5, *part*; 1964, c. 108, s. 4; 1967, c. 93, s. 2.

(4) Where a school or schools is or are detached under this section, subsections 2 and 3 of section 34 apply *mutatis mutandis*, except that the combined separate school board and the board or boards of the school or schools detached shall each appoint an arbitrator. 1961-62, c. 132, s. 5, *part*.

33.—(1) The board of a rural separate school zone has power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the supporters of the school to consider the site selected, and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting. R.S.O. 1960, c. 368, s. 33 (1); 1966, c. 143, s. 6.

(2) If a majority of the supporters present at the special meeting differ as to the suitability of the site selected, each party shall then and there appoint an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf, shall be the third arbit-

trator, and the three arbitrators, or a majority of them present at any lawful meeting, have authority to make and publish an award upon the matter submitted to them.

**Recon-
sideration
of award**

(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one if not reconsidered by the arbitrators, is binding upon all parties concerned for at least five years from the date thereof. R.S.O. 1960, c. 368, s. 33 (2, 3).

**Establish-
ment of
separate
school in a
portion of
rural
section**

34.—(1) Where a separate school has been established in a public school section that includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in the township or portion of a township petition the board of the separate school to notify the inspector of separate schools that the separate school supporters in the township or portion of a township are desirous of establishing a separate school therein, the inspector may signify in writing to the board his approval of the establishment of the separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and the school may be established and trustees may be elected in the manner provided by this Part.

**Arbitra-
tion**

(2) The inspector and two other persons, one of whom shall be chosen by the separate school board of the urban municipality and the other by the board of the separate school so established in the township or portion of a township, shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of the urban municipality and the board of the rural separate school respectively, and shall adjust all matters consequent upon the separation, and the award of the arbitrators is final and binding.

**Property
liable for
debentures**

(3) Nothing in this section relieves any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of the township separate school. R.S.O. 1960, c. 368, s. 34.

URBAN BOARDS

**Election of
trustees
in urban
muni-
cipalities by
general vote**

35.—(1) Except as provided in section 36, the trustees of an urban separate school board shall be elected by general vote for a term of two years with one-half of the trustees retiring each year. 1960-61, c. 94, s. 4, *part*.

(2) The number of the trustees on the urban separate school board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held, as follows, where the population was,

- (a) less than 10,000, six trustees;
- (b) 10,000 or more but less than 50,000, eight trustees;
- (c) 50,000 or more but less than 100,000, ten trustees;
- (d) 100,000 or more, twelve trustees. 1960-61, c. 94, s. 4, *part*; 1967, c. 93, s. 3 (1).

(3) Where it becomes evident from the census of a municipality that the number of trustees on an urban separate school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected. 1960-61, c. 94, s. 4, *part*; 1967, c. 93, s. 3 (2).

36.—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

(2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the separate school supporters of that ward for a term of two years.

(3) The composition and election of an urban separate school board that is elected as provided in subsection 1 or 2 may be changed to that provided in section 35. 1961-62, c. 132, s. 6.

36a.—(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 36 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the supporters of the separate schools of the urban municipality and has received the affirmative vote of a majority of the supporters who voted on the resolution. 1961-62, c. 132, s. 7.

(2) At the election following an affirmative vote of a majority of the separate school supporters who voted on the resolution, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected.

**Limitation
on changing
method of
election**

(3) A change in the method of election of an urban separate school board may not be made unless the board has been elected in its present form for a period of four years. 1960-61, c. 94, s. 4, *part*.

**Determina-
tion of
retirement
of trustees**

36b. At the first election of the trustees of an urban separate school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year,

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and in the case of a tie vote or of an acclamation, the order of retirement shall be determined by lot at the first meeting of the board and recorded in the minutes of the meeting. 1960-61, c. 94, s. 4, *part*.

36c. REPEALED: 1967, c. 93, s. 4.

**Term of
office**

37. A trustee shall continue in office until his successor has been elected. R.S.O. 1960, c. 368, s. 37.

**Voting to
be by
ballot**

38.—(1) Subject to section 39, the voting for the election of trustees of an urban separate school board and for all urban school purposes shall be by ballot.

**Voters'
list for
urban
school zone**

(2) Within three days of a request in writing of the board of an urban separate school zone, the clerk of the urban municipality shall furnish to the board,

- (a) where the municipality is divided into wards, the voters' list of each ward; or
- (b) where the municipality is not divided into wards, the voters' list of each polling subdivision in the municipality,

indicating the names of all persons thereon who are separate school supporters.

**Where zone
includes
urban muni-
cipality and
part of
another
municipality**

(3) Where an urban separate school zone includes an urban municipality and part of another municipality,

- (a) within three days of a request in writing of the board of the urban separate school zone, the clerk of the other municipality shall furnish to the board a list of voters of the part of the municipality included in

the urban separate school zone, indicating the names of all persons thereon who are separate school supporters; and

- (b) a person who is entitled to vote at the election of trustees of the board and who resides outside the urban municipality is entitled to vote in that ward or division of the urban municipality in which the school house is situate that is nearest to his place of residence.

(4) Within three days of a request in writing of a board of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, shall furnish to the board a list of voters of the municipality or part indicating the names of all persons thereon who are separate school supporters. 1965, c. 122, s. 7, *part*.

39.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the vote for the election of trustees to be conducted in the same manner as municipal elections in the municipality in which the separate school is situate, or, in the case of a combined separate school zone that includes one or more urban municipalities, in the urban municipality that has the greatest population.

(2) The board may in like manner discontinue the voting conducted in the manner of municipal elections.

(3) Where the board requires the vote to be conducted in the same manner as municipal elections and elections are so held, no change in the mode of voting shall be made unless the board has been elected by the same mode for a period of four years.

(4) Where a resolution is passed in any year under subsection 1,

- (a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as municipal elections in the municipality in which the vote is to be conducted;
- (b) the meeting of the supporters of the urban or combined separate school for the nomination of candidates shall be held on the same day as the meeting for the nomination of candidates for council;
- (c) the board shall advertise in each of its schools the place and time of the nomination meeting, and the secretary of the board shall report the names of the

Voters'
list for
combined
separate
school zone

Adoption of
municipal
elections

Discon-
tinuation

When
manner of
voting may
be changed

Time and
place, etc.,
of elections

nominees to the clerk of the municipality in which the vote is to be conducted;

- (d) in the case of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, except the municipality in which the vote is to be conducted, shall furnish to the clerk of the municipality in which the vote is to be conducted a list of voters of the municipality or part included in the combined separate school zone, indicating the names of all persons thereon who are separate school supporters;
- (e) the provisions of *The Municipal Act* with respect to elections, except with respect to the nomination of candidates, apply *mutatis mutandis*, except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 40, 1965, c. 122, s. 7, *part*.

R.S.O. 1960,
c. 249

*Municipal
Act to
apply*

*Form of
oath*

40. Where the voting is to be by ballot, the provisions of *The Municipal Act* for and relating to holding the municipal elections, including those as to recount, secrecy of proceedings, offences and penalties, apply *mutatis mutandis*, except that,

- (a) the oath to be taken by a voter shall be:

You swear that you are the person named (*or intended to be named*) in the list of voters now shown to you (*showing the list to the voter*);

That you are of the full age of twenty-one years;

That you are a Roman Catholic separate school supporter or that you are a Roman Catholic and the wife or husband of a Roman Catholic separate school supporter;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God;

- (b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll

*Casting
vote*

shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election;

- (c) the duties to be performed by the clerk shall be performed by the secretary; and Duties of secretary
- (d) the word "secretary" shall be substituted for the words "clerk" or "clerk of the municipality" wherever they occur. R.S.O. 1960, c. 368, s. 40; 1965, c. 122, s. 8. Substituted term

41. In urban municipalities every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, is entitled to vote at the election of trustees of the separate schools. R.S.O. 1960, c. 368, s. 41; 1965, c. 122, s. 9. Election of trustees, who may vote

ELECTION IRREGULARITIES

42. No election is invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that the non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1960, c. 368, s. 42. No election to be invalid for want of compliance with Act where result not affected

CONTROVERTED ELECTIONS

43.—(1) A judge of the county or district court, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within twenty days after the election, shall receive and investigate the complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same. Investigation of complaints by judge

(2) The judge may by order cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he may deem expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected. Powers of judge

(3) The judge may order a person found by him not to have been duly elected to be removed, and if the judge determines that any other person was duly elected, he may order him to Order of judge

be admitted, and if he determines that no other person was duly elected instead of the person removed, he shall order a new election to be held and shall report his decision to the secretary of the board.

Bribery and
undue
influence
R.S.O. 1960,
c. 249

(4) The provisions of *The Municipal Act* as to bribery and undue influence apply, and, where the election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1960, c. 368, s. 43.

Special
meetings

BOARD MEETINGS

44.—(1) Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting. R.S.O. 1960, c. 368, s. 44 (1).

(2) REPEALED: 1966, c. 143, s. 7.

Duties of
board:

appoint-
ment of
officers

appoint-
ment of
auditors

accounts

to provide
accommoda-
tion and
teachers

to acquire
school sites

collection
of rates

DUTIES AND POWERS OF TRUSTEES

45.—(1) It is the duty of every board and it has power,

- (a) to appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the school fees or rate-bills, and the collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, are subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;
- (b) to appoint annually on or before the 1st day of December an auditor or auditors;
- (c) to lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and to afford the auditors all the information in its power as to the receipt and expenditure of school money;
- (d) to provide adequate accommodation and legally qualified teachers for all children who have the right to attend a school operated by the board;
- (e) to acquire or rent school sites and premises and build school buildings;
- (f) where the board does not appoint a collector, to apply to the municipal council, on or before the 1st day of February in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act

to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums, and such moneys shall be paid to the board on the warrant of the proper inspector;

- (g) to give notice in writing to the Department, before the 15th day of January in each year, of the names and post office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein;
- (h) to exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person, and to give notice of the exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the 1st day of February;
- (i) to take possession and have the custody and safe keeping of all school property, acquired or given for school purposes, and to acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received; and to dispose by sale or otherwise of any school site or school property not required in consequence of a change of school site or other cause, and to convey the same and apply the proceeds thereof to school purposes or as provided by this Act;
- (j) to exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters as to which other provision is made by this Act.

(2) It is the duty of every urban board and it has power to appoint from its members annually, or oftener if deemed expedient, and under such regulations as may be deemed proper, a committee of not more than three for the special charge, oversight and management of each school within the city, town or village, and to see that all the schools under its charge are conducted according to the regulations. R.S.O. 1960, c. 368, s. 45 (1, 2).

- (3) It is the duty of every rural board and it has power,
- (a) to appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for,
 - (i) filling any vacancy in the board,

Appointment
of committees
by urban
boards

Duties of
rural
boards:

time and
place of
meetings

- (ii) the selection of a new school site,
- (iii) the appointment of a school auditor, or
- (iv) any other school purpose,

and to cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

payment of salaries

- (b) to arrange for the payment monthly of teachers' salaries;

annual report

- (c) to cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors;

report on deaf or blind

- (d) to ascertain and report to the Minister, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf or blind;

providing attendance for minor surgical operations

- (e) if deemed expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects where, in the opinion of the teacher and (where a school nurse and medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay. R.S.O. 1960, c. 368, s. 45 (3); 1964, c. 108, s. 5.

Agreements to provide administrative accommodation or sharing of teachers, etc.

4.5a. A separate school board may enter into an agreement with any other separate school board to provide for the other board,

- (a) accommodation for administrative purposes, or
- (b) the services of a psychiatrist, psychologist or teacher. 1966, c. 143, s. 8.

VACANCY IN OFFICE OF TRUSTEE

Vacancy in office of trustee

4.—(1) If a vacancy in the office of trustee for a rural school occurs from any cause the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office.

(2) The new election shall be conducted in the same manner ^{Proceedings at new election} and is subject to the same provisions as an annual election. R.S.O. 1960, c. 368, s. 46.

(3) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a union separate school board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote. ^{Vacancies in urban boards and union boards}

(4) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a union separate school board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election shall fill the vacancy for the longer term, and in the case of a tie the secretary of the board shall determine the order of retirement by lot. ^{Idem}

(5) In the case of an urban separate school board or a ^{Idem} union separate school board,

- (a) any vacancy that occurs within one month before the next ensuing election shall not be filled in the manner provided by subsection 3 or 4, but the office shall remain vacant until the election, and, if the term of the vacant office then expires, a new trustee shall be elected or, if the term does not then expire, some duly qualified person shall be elected at the election to fill the vacancy for the remainder of the term;
- (b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 3 or 4, as the case may be;
- (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;
- (d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the secretary of the board shall determine the order of retirement by lot. 1960-61, c. 94, s. 5.

ASSESSMENTS, BORROWING POWERS AND GRANTS

Exemption
of
supporters
from public
school rates

47.—(1) Every person paying rates in a separate school zone on property that he occupies as owner or tenant or on unoccupied property that he owns, who by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate school supporter, is exempt from the payment of all rates imposed on such property in the separate school zone for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property. 1962-63, c. 132, s. 7, *part*.

No renewal
required

(2) The notice is not required to be renewed annually. R.S.O. 1960, c. 368, s. 47 (2).

Who may be
supporters
of separate
school

(3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone.

Rights of
non-residents
to be
assessed for
separate
school
R.S.O. 1960,
c. 23

(3a) Any person who, if resident in a separate school zone, would be entitled to be a supporter of a separate school, on giving the notice provided in *The Assessment Act* that he is the owner of unoccupied land situate therein, may direct that all such land in the separate school zone shall be assessed for the purposes of the separate school. 1962-63, c. 132, s. 7, *part*.

Certificate
of notice

(4) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

Penalty for
wilful false
statements
in notice

(5) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and liable to a fine of \$40.

As to rates
imposed
before
separate
school
established

(6) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the separate school. R.S.O. 1960, c. 368, s. 47 (4-6).

Boundaries
of zones

48.—(1) The boundaries of separate school zones shall be determined in relation to their centres.

Centre of
zones

(2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing

of due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre.

(3) Where a board operates two or more separate schools, Centres where two or more schools there shall be a centre for each school.

(4) Where a board does not operate a school but owns one Centre where board owns land but does not operate school parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land. 1962-63, c. 132, s. 8, *part*.

(5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister and the clerks of the municipalities concerned and the secretaries of boards of public school sections affected in territory without municipal organization before the 30th day of September of the year in which the parcel was so approved. 1962-63, c. 132, s. 8, *part*; 1967, c. 93, s. 5 (1).

(6) The centres of a combined separate school zone are the Centres of combined zone centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated.

(7) Subject to section 49, every parcel of land that is Rural and combined separate school zones wholly or partly within a radius of three miles from a centre of a separate school zone is within the zone. 1962-63, c. 132, s. 8, *part*.

(8) Subject to section 49, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is within a radius of three miles from a centre in the urban municipality and that is within an urban municipality in which a separate school board has not been established or within a township. 1964, c. 108, s. 6.

(9) Where a separate school board has heretofore been In wards established for a ward in a municipality, the board is continued until dissolved under this Act, and the separate school zone under the jurisdiction of the board includes any parcel of land within the ward.

(10) A separate school zone, except a combined separate school zone, shall not include land in a municipality as well as land in territory without municipal organization. 1962-63, c. 132, s. 8, *part*.

(11) For each separate school zone that includes part or all of a township or territory without municipal organization, the separate school inspector designated by the Minister shall, Zones not to include organized and unorganized territory Separate school inspector to prepare maps and descriptions of zones

- (a) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;
- (b) describe each zone by indicating the name of the board, the centres in the zone, and the municipalities wholly or partly within the zone;
- (c) where the boundary of a zone is altered, prepare a revised map and description;
- (d) sign and date the original maps and description of each zone and retain them on file; and
- (e) furnish,
 - (i) to each separate school board, a map or description of its zone,
 - (ii) to the township clerk and assessor or assessment commissioner, a map showing the zone boundaries and a description of each zone, and
 - (iii) to each public school inspector, a description of each separate school zone within his inspec-torate. 1962-63, c. 132, s. 8, *part*; 1967, c. 93, s. 5 (2).

Arbitrate assets and liabilities

- (12) When a separate school zone is established and the boundary of an adjoining separate school zone is thereby altered, the boards concerned shall, in the manner provided in section 34, appoint arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the arbitrators is final and binding.

Rates in unorganized territory in combined zone

- (13) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is responsible for the assessing of property and levying and collecting rates for separate schools in the territory without municipal organization. 1962-63, c. 132, s. 8, *part*.

Boundaries where zones overlap in township, etc.

- 49.**—(1) Where two or more separate school zones would otherwise overlap in a township or in territory without municipal organization, the inspector shall, after he has consulted with the boards involved, determine a boundary between each of the zones in the township or territory.

When alteration effective

- (2) A boundary in the overlapping area may be altered before the 1st day of July in any year, and such alteration shall be effective on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be effective on the day of nomination for trustees.

(3) A separate school board or a separate school supporter affected by the determination of the inspector may appeal the determination to the county judge before the 1st day of August following the determination. 1964, c. 108, s. 7.

(4) The boundaries of a separate school zone as determined by the inspector or altered by a judge shall follow one continuous line so that all parts of the zone are adjoining. 1965, c. 122, s. 10.

(5) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the inspector or judge, shall be paid to the separate school board of the zone to which the parcel of land is transferred. 1962-63, c. 132, s. 8, *part*.

49a.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board, and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the separate school inspector, the clerk of each municipality concerned and the public school inspector, for any school board that may be affected thereby, and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting.

(2) A separate school board is discontinued on the 31st day of December in any year,

(a) if, before the 30th day of September in the year in which the board is established, the board fails to secure the approval of the supporters for a parcel of land for a site of a schoolhouse or for a centre of its zone; or

(b) if, for any school term after the year in which the board was established, the board,

(i) fails to operate a school, or

(ii) fails to make an agreement with another separate school board for the education of its pupils and fails to provide transportation for the pupils who would otherwise be excused from attendance under clause *e* of subsection 2 of section 6 of *The Schools Administration Act*; or

R.S.O. 1960,
c. 361

(c) if no one is assessed as a supporter in the separate school zone on the assessment roll on which taxes are to be levied in the following year; or

(d) if the supporters fail to elect the required number of trustees in two successive annual or biennial elections, as the case may be.

Inspector to
notify
Minister,
etc.

(3) When a board is discontinued under subsection 2, the separate school inspector shall forthwith notify the Minister, the separate school board concerned, the clerks of the municipalities concerned and the public school inspectors of the school boards affected thereby.

Settling
accounts

(4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the board and, following an audit by a person licensed by the Department of Municipal Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

Records

(5) The records of a board that has been discontinued under this section shall be filed in the office of the separate school inspector.

Revision of
boundaries

(6) The separate school inspector shall revise the boundaries of the zones that are altered as a result of discontinuing a separate school board.

Sale of
real
property

(7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the separate school inspector is notified that an offer to purchase the real property has been made, the inspector shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property.

Deposit of
funds from
sale

(8) When the board has sold the real property, it shall, after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

Re-estab-
lishing a
board

(9) A separate school board that has been discontinued in any year may, in any subsequent year, be re-established in the school section in which the separate school was established in the manner provided in sections 18 to 20 or section 21, and the funds that were deposited by the board that was discontinued shall be returned to the board. 1962-63, c. 132, s. 8, *part*.

Where
person
residing
out of
urban
municipality
to vote

50. When a supporter of a separate school in an urban municipality resides outside the municipality, he is entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence is situate. 1962-63, c. 132, s. 9.

51.—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he is exempt from the payment of separate school taxes or rates in the municipality in which he resides, but is liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

(2) The board of the school of which he is a supporter shall ^{How enforceable} on or before the 1st day of August in each year notify the clerk of the municipality in which such supporter resides that he is a supporter of such school, and of the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1960, c. 368, s. 51.

52. REPEALED: 1962-63, c. 132, s. 10.

53.—(1) A Roman Catholic who desires to withdraw his ^{Notice of withdrawal} support from a separate school shall, on or before the 30th of ^{support} September in any year, give notice in writing that he desires to withdraw his support for the following year;

- (a) where the separate school is situated in a municipality, to the clerk of the municipality; or
- (b) where the separate school is situated in territory without municipal organization,
 - (i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or
 - (ii) if he does not reside in a school section, to the secretary of the separate school board;

otherwise he shall be deemed to be a supporter of the separate school. 1961-62, c. 132, s. 8; 1964, c. 108, s. 8.

(2) A person who has withdrawn his support from a Roman ^{Exception} Catholic separate school is not exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate schoolhouse, imposed before the time of his withdrawing such support. R.S.O. 1960, c. 368, s. 53 (2).

54.—(1) The clerk of every municipality shall keep entered ^{Clerk to keep index book} in an index book (Form 1) and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or

contiguous to the municipality, as provided by sections 47, 52, 57 and 58, or by former Acts respecting separate schools.

Entries

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 53, or by any such other Act, with the date of the withdrawal, or any disallowance of the notice by the court of revision, by a judge of the county or district court, by the Ontario Municipal Board or by the Court of Appeal, with the date of the disallowance.

Inspection

(3) The index book shall be open to inspection by any ratepayer.

Filings

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received.

Assessor to be guided by index book

(5) The assessor shall be guided by the entries in the index book in ascertaining who have given the prescribed notices. R.S.O. 1960, c. 368, s. 54.

Correction of mistakes in assessing

55.—(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertance a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct the error by directing the school taxes of the ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision, a judge, the Ontario Municipal Board or the Court of Appeal on appeal.

Liability

(2) In case of such action by a council the ratepayer is liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1960, c. 368, s. 55.

Distinguishing the school rates

56.—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the heading of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes.

Idem

(2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. R.S.O. 1960, c. 368, s. 56.

Case of owner and occupant

57.—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the pay-

ment of school rates and for determining whether those rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves alters or affects this provision.

(2) Where, as between the owner and tenant or occupant, ^{When owner may exercise option} the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he is only liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1960, c. 368, s. 57.

58.—(1) A corporation by notice (Form 2) to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which the corporation is ^{Right of corporation to support separate schools} either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under *The Assessment Act*, to be entered, ^{R.S.O. 1960, c. 23} rated and assessed for the purposes of the separate school.

(2) The assessor shall thereupon enter the corporation as a ^{Duty of assessor} separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

(3) Unless all the stock or shares are held by Roman ^{How proportions settled} Catholics the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares. R.S.O. 1960, c. 368, s. 58 (1-3).

(4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly. ^{Effect of notices} R.S.O. 1960, c. 368, s. 58 (4); 1962-63, c. 132, s. 11.

Filing notice

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

Search for notices

(6) The assessor shall in each year, before the return of the assessment roll, search for and examine all notices that may be so on file and shall follow and conform thereto and to the provisions of this Act. R.S.O. 1960, c. 368, s. 58 (5-6).

Powers of trustees

59.—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

Land on which there are rates uncollected

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

Return

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon.

Collection of rates

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

Deficiency

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1960, c. 368, s. 59.

Levy for transportation costs of high school pupils not resident in high school district

59a. Where some of the supporters of a separate school reside in a municipality and in a high school district and other supporters of the separate school reside in another municipality and not in a high school district, and the high school board or board of education is furnishing transportation for its resident secondary school pupils, the separate school board may furnish transportation for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the high school district and may levy the cost of the transportation for the preceding year, less the legislative grant paid thereon, on the supporters who do not reside in the high school district. 1960-61, c. 94, s. 6.

59b.—(1) Where a separate school zone includes territory in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone which, when applied to the local assessment of properties in a municipality, would increase or decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside.

(2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

(3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors.

(4) The secretary of the board shall call the meeting of the arbitrators.

(5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration.

(6) The factors shall be determined,

- (a) in the year in which the separate school is formed;
- (b) in any year that is divisible evenly by 5;
- (c) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situate; and
- (d) in any year if the board so directs.

(7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final.

(8) The factors determined in any year shall be used for the purposes of taxation in the following and subsequent

years until the year following the next determination of the factors.

Cost of arbitration

(9) The cost of the arbitration shall be paid by the separate school board.

Apportionments made in 1962 and determination of factors in 1963

(10) Where an apportionment of the annual sum to be raised for the purposes of a separate school was made under the predecessor of this section, the apportionment shall continue in force and effect until the year next following the year in which it is necessary under this section to determine the factors for the purpose of rates to be levied for the separate school, and, in other cases, the factors shall be determined in the year 1963 for the purposes of taxation in the year 1964. 1962-63, c. 132, s. 12.

Trustees may copy assessment roll of municipality

60. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1960, c. 368, s. 60.

Clerk to give trustees annual statement of supporters of separate schools

61. The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 47, with the amount for which each person has been rated upon the assessment roll. R.S.O. 1960, c. 368, s. 61.

Collection of separate school rates by the municipality

62.—(1) A municipal council, if so requested by the board on or before the 1st day of February in any year, shall, through its collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools. R.S.O. 1960, c. 368, s. 62 (1); 1966, c. 143, s. 10.

Expenses of collection

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation shall be borne by the corporation, and the rates and taxes collected for separate school purposes shall be paid by the corporation to the treasurer of the board from time to time as may be required by the board and in any event not later than the 15th day of December in the year in which the rates are levied. 1965, c. 122, s. 11; 1967, c. 93, s. 6.

63. REPEALED: 1962-63, c. 132, s. 13.

64. The separate school board of a municipality or in a school section or union school section has and may exercise the same rights, powers and privileges with respect to the establishment and maintenance of continuation schools and is subject to the same duties and obligations with respect to such schools as the public school board of the municipality, section or union school section as the case may be. R.S.O. 1960, c. 368, s. 64.

65. Notwithstanding anything contained in any by-law or resolution heretofore or hereafter passed by any board of separate school trustees or in any debenture issued thereunder, the board may at any time by by-law provide that all moneys theretofore or thereafter collected on account of sinking fund for payment of any such debenture shall,

- (a) be paid over to the Treasurer of Ontario to be dealt with as provided in section 315 of *The Municipal Act*; or R.S.O. 1960, c. 249
- (b) be invested in securities of the Province of Ontario and for that purpose the board may sell or dispose of any securities in which such sinking fund moneys have heretofore been invested or withdraw such moneys from any loan company, trust company or bank in which they may be deposited. R.S.O. 1960, c. 368, s. 65.

66.—(1) The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the schoolhouse property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes, and any ratepayer, who was a separate school supporter in the separate school zone at the time when the loan was effected on the security of the property or rates or who became a supporter during the term of the loan, shall, while resident within the separate school zone, continue to be liable for the rate to be levied for the repayment of the money so secured. 1962-63, c. 132, s. 14.

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money that it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in that year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

Debentures	(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures, and the debentures are a charge on the same property and the rates as in the case of mortgages thereof made by the board.
Maturity	(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by <i>The Municipal Act</i> in the case of debentures issued under that Act.
R.S.O. 1960, c. 249	(5) Where the debt is not payable by instalments the board shall levy in each year during its currency in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by <i>The Municipal Act</i> as to the investment of sinking funds. R.S.O. 1960, c. 368, s. 66 (2-5).
R.S.O. 1960, c. 249	(6) Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating,
Publication of notice of by-law	<ul style="list-style-type: none"> (a) the purpose for which the money is to be borrowed; (b) the amount to be borrowed and the security therefor; (c) the terms of repayment including the rate of interest, <p>and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law. R.S.O. 1960, c. 368, s. 66 (6); 1965, c. 122, s. 12.</p>
Amounts	(7) The debentures issued under the by-law may be for such amounts as the board may deem expedient. R.S.O. 1960, c. 368, s. 66 (7).
Right of separate schools to a share of municipal grant	67.—(1) Every separate school is entitled to share in all grants, investments and allotments for public school purposes made by any municipal authority according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months that may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township.

(2) Where the grant is made by a county council it shall be apportioned in like manner as the legislative grant.

(3) A separate school is not entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. R.S.O. 1960, c. 368, s. 67.

MISCELLANEOUS

68. The Minister, the judges of all courts, members of the Assembly, heads of the municipal corporations in their respective localities, the inspectors of public schools and clergymen of the Roman Catholic Church are visitors of separate schools. R.S.O. 1960, c. 368, s. 68.

69. The schools with their registers are subject to such inspection as may be directed by the Minister and are subject also to the regulations. R.S.O. 1960, c. 368, s. 69.

70. The Minister may, subject to the regulations, constitute a separate school in any county or district a model school for the training of teachers for separate schools. R.S.O. 1960, c. 368, s. 70.

71. In the event of a disagreement between a board and the inspector of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned or of such existing school, the matter in difference shall be determined by the Minister, subject to an appeal to the Lieutenant Governor in Council, whose decision is final. R.S.O. 1960, c. 368, s. 71.

72. REPEALED: 1964, c. 108, s. 9.

73. Except as otherwise provided, the fines imposed by or under the authority of this Act are recoverable under *The Summary Convictions Act* and shall be applied to such separate school purposes as the Minister may direct. R.S.O. 1960, c. 368, s. 73.

FORM 1

FORM OF INDEX BOOK

(Section 54 (1))

Names	Notices claiming exemption, when received	Remarks
Allen, John.....	3rd February, 19....	Notice of withdrawal received 1st January, 19....
Ardagh, Joseph.....	3rd February, 19....	Disallowed by Court of Revision, 1st June, 19....
Ashbridge, Robert.....	3rd February, 19....	

R.S.O. 1960, c. 368, Form 1.

FORM 2

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX

(Section 58 (1))

To the Clerk of (*describing the municipality*)

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated, shall be entered, rated and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of the land and business or other assessments.

Given on behalf of the company this (*here insert date*).

R.S., Secretary of the Company.

R.S.O. 1960, c. 368, Form 2.

INDEX

SECTION	SECTION
Accommodation	
• administration, for, agreements re.....45a	
• children, of, duty re.....45 (1) (d)	
Accounting	
• board, by.....45 (1) (c)	
Act	
• application of Part II of, to Roman Catholic schools.....16	
• application of part of, to other schools.....15	
Agreements	
• owner and tenant, between re rates.....57 (1)	
• public and separate school boards, between.....22 (12a)	
• separate school boards, between.....22(12), 45a	
Alphabetical index	
• supporters, of.....54 (1)	
• . entries in.....54 (2)	
• . filing of.....54 (4)	
• . form of.....Form 1	
• . inspection of.....54 (3)	
Annual meeting	
• chairman's duty at.....27 (5)	
Application	
• establishment of separate schools, re	
• . Protestants, for.....1 (1)	
Apportionment of costs	
• provisions, re	59b
Arbitration	
• separation of rural schools, re.....34 (2)	
• site of rural school, re.....33 (2)	
Arrears of taxes	
• return by collector of.....21 (6,7)	
• sale of land for.....21 (10)	
Assessment	
• exemption from, of public school rates.....47 (1)	
• . conditions and exceptions.....47 (7)	
• guidance by index on.....54 (5)	
• land, of, occupied by	
• corporations.....58 (2)	
• tenants.....57 (1)	
• non-resident, of.....47 (3a)	
• non-resident urban supporter, of.....50	
• notice by corporations re.....58 (1)	
• . form of.....Form 2	
• proportionate, of corporations.....58 (3)	
• supporter residing in other municipality, of.....51 (1)	
• . enforcement of.....51 (2)	
• unoccupied land, against.....47 (3a)	
Assessment Act	
• referred to.....47 (3a); 58 (1)	
Assessor's roll	
• board to use.....9 (2); 60	
• correction of.....55	
	Assistance
	• surgical.....45 (3) (e)
	Attendance
	• other schools, at.....22 (12)
	• right of.....22
	• . onus of proof, re.....22 (4)
	Auditor
	• appointment of
	• . rural board, for.....31; 45 (3) (a)
	• . urban boards; for.....45 (1) (b)
	Award
	• arbitration, of, re site.....33 (2)
	• . reconsideration of.....33 (3)
	Ballot
	• rural section, in
	• . ballot paper.....27 (7,8)
	• . manner of voting.....27 (10)
	• . marking of paper.....27 (9)
	• urban section, in
	• . adoption of.....39 (1)
	• . application of <i>Municipal Act</i>40
	• . casting vote.....40 (b)
	• . discontinuance of.....39 (2)
	• . oath by voter.....40 (a)
	• . period of change.....39 (3)
	• . secretary assuming clerk's duties in.....40 (c,d)
	Blind
	• children, report on.....45 (3) (d)
	Board
	• body corporate, as.....21 (2)
	• borrowing by-laws of.....66 (1-6)
	• discontinuance.....49a
	• dissolution of.....32(1b)
	• equalization of school rates by.....59b
	• establishment, etc., by, of continuation school.....64
	• general duties and powers of.....46 (m)
	• meetings of.....44
	• name of
	• . combined separate school.....32 (2)
	• . unorganized township, in.....21 (2) (a)
	• . unsurveyed territory, in.....21 (2) (b)
	• rural schools, of
	• . duties and powers of.....45 (3)
	• . forming and organization.....28
	• . meetings and despatch of business of.....29
	• urban schools, of
	• . duties of.....45 (2)
	• . election of trustees of.....38-41
	• . formation and members of.....35
	By-laws
	• borrowing money, for.....66 (1)
	• . publication of.....66 (6)
	Casting vote
	• meetings of supporters at.....27 (15), 40 (b)
	Chairman
	• rural supporters, of
	• . counting of votes by.....27 (15)
	• . declaration by, re vote.....27 (16)

SECTION	SECTION
Chairman—Con.	
. . . duties of.....27 (5)	
. . . election of.....27 (3)	
. . . granting of poll by.....27 (6)	
. . . signing of minutes by.....27 (18)	
. . . statement by, re vote.....27 (17)	
. . . taking of voters' declaration.....27 (12)	
Children	
. . . rights of persons in charge of.....22 (8,9)	
Clerk of municipality	
. . . index book of supporters kept by.....54 (1)	
. . . entries in.....54 (2)	
. . . form.....Form 1	
. . . receiving of notices by	
. . . assessment of corporations, re.....58 (1)	
. . . exemption of indigent persons, re.....45 (1) (h)	
. . . supporters, re.....51 (2)	
. . . withdrawal of support, re.....53 (1)	
. . . supporters' notice certified by.....47 (4)	
Collection	
. . . rates, of.....45 (1) (f); 62	
Collector	
. . . board, of,	
. . . appointment.....45 (1) (a); 59 (1)	
. . . distinction of rates by.....56 (2)	
. . . remuneration of.....21 (4)	
. . . unorganized territories, in	
. . . appointment.....21 (4)	
. . . powers of.....21 (5)	
Collector's roll	
. . . access of trustees to.....9 (2); 60	
. . . entry of supporters in.....51 (2)	
. . . making out of.....56 (1,2)	
Combined separate school	
. . . detaching school from.....32a	
. . . formation of.....32	
. . . adjustment of rights on.....31 (1a)	
. . . dissolution of boards on.....32 (1b)	
. . . school site for.....32 (7)	
Combined separate school board	
. . . name of.....32 (2)	
. . . trustees of	
. . . election.....32 (2a, 2b, 5, 6b)	
. . . number.....32 (2b, 6, 6a)	
. . . term of office.....32 (3-5, 6b)	
. . . urban.....32 (6, 6a)	
Combined separate school zone	
. . . boundaries.....48	
. . . defined.....17 (a)	
. . . urban.....32 (6)	
Committees	
. . . urban boards, of.....45 (2)	
Continuation schools	
. . . establishment, etc., by board.....64	
Controverted elections	
. . . complaint re	
. . . investigations re.....43 (1)	
. . . order of judge, on.....43 (1)	
. . . powers of judge, re.....43 (2)	
. . . provisions of <i>Municipal Act</i> to apply to.....43 (4)	
Convocation	
. . . meetings, of.....18 (1); 27 (1,2); 45 (3) (a)	
Corporation	
. . . entry of, as supporter.....58 (2)	
. . . extension of assessment of.....58 (3)	
. . . school supported by.....58 (1-6)	
Custody	
. . . property, of, by board.....45 (1) (i)	
Date	
. . . school other than Catholic, effective, of	4
Deaf	
. . . children, report on.....45 (3) (d)	
Debentures	
. . . mortgage in form of.....66 (3)	
. . . amount of.....66 (7)	
. . . maturity of.....66 (4)	
Declaration	
. . . voter objected, by	
. . . rural school, re.....27 (12)	
Definitions	
. . . see also <i>Schools Administration Act</i> , s. 1	
Department	
. . . defined.....	17 (aa)
Election	
. . . ballot, by— <i>see</i> Ballot	
. . . combined separate school zone, in.....32 (2a, 2b, 5, 6b)	
. . . complaint against	
. . . bribery, etc., at.....43 (4)	
. . . investigation of.....43 (1)	
. . . order by judge re.....43 (3)	
. . . powers of judge re.....43 (2)	
. . . irregularities not to invalidate.....42	
. . . poll, by— <i>see</i> Polls	
. . . schools other than Catholic.....11 (2)	
. . . electors at.....10	
. . . voters' declaration at.....27 (12)	
Electors	
. . . list of.....32 (6c), 38 (2-4)	
. . . qualifications of	
. . . rural combined zone, in.....32 (9)	
. . . rural zone, in.....26	
. . . urban combined zone, in.....32 (8)	
. . . urban zone, in.....41	
Errors	
. . . correction of, in assessment	
. . . roll.....55 (1)	
. . . effect of.....55 (2)	

	SECTION	SECTION
Establishment		Lieutenant-Governor in Council
. model schools, of.....	70	. approval by, re contributions.....21 (3)
. schools, of		. decision by, on appeal.....71
. portion of rural section, in.....34 (1)		
. . Protestants, for.....	1, 4	
. . Roman Catholics, for.....	16	
Exemption		Loans
. indigent persons, of, from rates.....	45 (1) (h)	. board by
. supporters of public school rates, re.....	47 (1)	. . sinking fund re.....66 (5)
Expenses		. . terms of payment of.....66 (2)
. collection, etc., of rates by municipality, re.....	62 (2)	. debentures, by.....66 (3)
Fees		. . amount of.....66 (7)
. attendance at kindergarten, re.....22 (7)		. . maturity of.....66 (4)
. attendance at closer school, re.....22 (13)		
. education by other board, re.....22 (12)		
. education by public school board, re.....	22 (12a)	
. non-resident pupils, re.....	22 (12)	
. wards, re.....	22 (8-9)	
Filing		Location
. supporters' notices, of.....	54 (4)	. separate schools in townships, of.....2
Forms		
. index book, of.....	Form 1	Meetings
. notice re school tax, of.....	Form 2	. board, of
Grants		. . special.....44 (1)
. legislature, by		. establishment of combined separate school board, for.....32 (1)
. . right to share in.....	8 (2)	. rural supporters, of
. . schools in unorganized territories, re.....	21 (3)	. . chairman.....27 (5)
. municipal		. . convocation.....27 (1,2); 45 (3) (a)
. . apportionment re.....	67 (2)	. . minutes.....27 (18)
. . participation of Catholic schools in.....	67 (1)	. . new, in default of first.....27 (19)
Index		. . order of business at.....27 (4)
. supporters, of.....	54 (1)	. . organization.....27 (3)
. . entries in.....	54 (2)	. . poll.....27 (6-17)
. . filing of.....	54 (4)	. . time of.....27 (1,2)
. . form of.....	Form 1	. supporters in unorganized territories, of.....21 (1)
. . inspection of.....	54 (3)	. urban supporters, of
Inspection		. . convocation.....18
. index of supporters, of.....	54 (3)	
. schools, of.....	69	Minister
Inspector		. auditor appointed by.....31
. approval by, re separation.....	34 (1)	. defined.....17 (b)
. third arbitrator, as, re site of rural school.....	33 (2)	. grants to schools in unorganized townships by.....21 (3)
. to prepare maps of zones.....	48 (11)	. settling of disagreements between board and inspector by.....71
Kindergarten		
. attendance at.....	22 (5,6)	Minutes
Land		. rural meeting, of, and transmission.....27 (18)
. assessment of unoccupied.....	47 (3a)	
. liability in assessment of		Model schools
. . corporation, by.....	58 (3)	. establishment of.....70
. . occupant, by.....	57 (1)	
. . owner, by.....	57 (2)	Municipal Act
Liability		. referred to.....40; 43 (4); 65 (a); 66 (4,5)
. assessment of land in		
. . corporations, of.....	58 (3)	Municipal elections
. . occupant, of.....	57 (1)	. application of procedure of.....40
. . owner, of.....	57 (2)	
. property, of, on separation of rural school.....	34 (3)	Municipal school money
		. separate school having no share in.....8 (1); 67 (3)
		Non-resident
		. assessment of.....51 (1)
		. entry on roll, etc., of.....51 (2)
		. voting place for.....50
		Notices
		. combined separate schools, re.....32 (1)
		. corporation land, re.....58 (1)
		. . annual search for.....58 (6)
		. . effect of.....58 (4)
		. . exception.....58 (4)
		. . filing of.....58 (5)
		. . form of.....Form 2

	SECTION	SECTION
Notices—<i>Con.</i>		Protestant separate schools—<i>Con.</i>
• board, by		• public school assessment, no
• names and addresses, re.....45 (1) (g)		• share of.....8 (1)
• non-resident supporters, re.....51 (2)		• reports re.....9 (1)
• election by Roman Catholics, re 20 (1)		• supporters
• endorsement by municipality.....20 (2)		• exemption.....5 (1)
• support of separate school, re		• notice to.....5 (3)
• certificate of receipt of.....47 (4)		• withdrawal as.....6
• penalty for fraudulent.....47 (5)		• trustees
• withdrawal, re.....53 (1)		• election.....11 (2)
Number		• qualifications.....11 (1)
• minimum for calling meeting		• voters, qualifications for.....10
• townships, etc., in.....18 (1)		
• unorganized territories, in.....21 (1)		
Oath		
• voter by ballot, of.....40		
Occupant		
• liability of, re assessment.....57 (1)		
Officers of board		
• appointment of.....45 (1) (a)		
Owners		
• liability of, re assessment.....57 (2)		
Parcel of land		
• defined.....17 (ba)		
Penalties		
• fraudulent statement, for, by supporter.....47 (5)		
• recovery and application of.....73		
Polls		
• rural section, in		
• afternoon, at.....27 (14)		
• closing of.....27 (13)		
• counting of votes.....27 (15)		
• declaration of result.....27 (16)		
• granting of.....27 (6)		
• objection to voter.....27 (12)		
• preparation of.....27 (7)		
• scrutineer at.....27 (11)		
• statement of result of.....27 (17)		
Premises		
• providing of school.....45 (1) (e)		
Property		
• custody of.....45 (1) (i)		
Protestant separate schools		
• Act, application of.....15		
• assessor's roll, use of, by board.....9 (2)		
• board		
• corporate name of.....12		
• discontinuation of.....14		
• powers of.....13		
• establishment of.....1 (1)		
• effective date.....4		
• index book		
• assessor guided by.....7 (4)		
• inspection of.....7 (2)		
• municipal clerk to keep.....7 (1)		
• legislative grants, share in.....8 (2)		
• location of.....2, 3		
• notice		
• filing of.....7 (3)		
• support, of.....5 (1)		
• withdrawal	6	
Regulations		
• defined.....		17 (c)
Reports—<i>See also Returns</i>		
• annual		
• rural board, by.....45 (3) (c)		
Restriction		
• establishment of Protestant school, re.....		1 (3)
Rolls		
• copies of, to trustees.....		60
• rates distinguished on.....		56 (1,2)
Rural schools		
• defined.....		17 (d)
Rural separate school zone		
• boundaries of.....		48, 49
• defined.....		17 (da)
• electors in.....		26
Salaries		
• payment of, to rural teachers.....		45 (3) (b)

SECTION	SECTION
Secretary	
. board, of, appointment.....45 (1) (a)	. pupils not resident in district, of....59a
. defined.....17 (e)	
. rural boards, of, duties	
. . calling of special meetings, re.....30 (a)	
. . giving notice of meetings, re....30 (b)	
. rural meeting, of	
. . appointment of.....27 (3)	
. . certifying of results by.....27 (17)	
. . collection of votes by.....27 (10)	
. . counting of votes by.....27 (15)	
. . entries in poll-book by.....27 (7)	
. . recording of proceedings by ..27 (3)	
. . signing of minutes by.....27 (18)	
Separate school	
. defined.....17 (f)	
Separate school zone	
. boundaries of.....48; 49	
. defined.....17 (fa)	
. discontinuance of board of.....49a	
. dissolution of board of.....32 (1b)	
. overlapping of.....49	
. right of person to attend.....22 (2)	
. supporters.....47 (3)	
. urban.....48 (8)	
. vote re establishment of.....21b	
Separation	
. school in rural section, of	
. . arbitration re.....34 (2)	
. . establishment of new school on.....34 (1)	
. . liability of property on.....34 (3)	
Sharing of teachers, etc.	
. agreements re.....45a	
Sinking fund	
. provisions re.....65	
Sites	
. rural schools, of.....33 (1)	
. . arbitration re.....33 (2)	
. . reconsideration of award.....33 (3)	
. . selection of.....45 (3,4)	
Statements	
. annual, re supporters.....61	
Summary Convictions Act	
. penalties recovered under.....73	
Support	
. withdrawal of.....53 (1)	
. . effect of.....53 (2)	
Supporters	
. withdrawal of support by.....53 (1,2)	
Surgical treatment	
. power of board to provide.....45 (3) (e)	
Teachers	
. appointment of.....45 (1) (d)	
. salaries of.....45 (3) (b)	
Tenants	
. liability of, re assessment.....57 (1)	
Township school area	
. separate school in.....18 (2)	
Transportation costs	
. pupils not resident in district, of....59a	
Treasurer	
. board, of, appointment.....45 (1) (a)	
. defined.....17 (e)	
Trustees—<i>See also Board</i>	
. combined separate school board, of	
. . election.....32 (2a, 2b, 5, 6b)	
. . number.....32 (2b, 6, 6a)	
. . term of office.....32 (3-5, 6b)	
. corporate name of	
. . combined separate school board.....32 (2)	
. . Roman Catholic schools, re....20 (3)	
. . schools other than Roman Catholic, re.....11	
. . duties and powers of.....45 (1) (j)	
. . qualifications of.....18a	
. . rural	
. . board and quorum of.....28	
. . election of.....27 (1-19)	
. . elections to fill vacancy for.....46 (2)	
. . electorate of.....26	
. . qualifications of.....18a	
. . re-election of.....24 (4)	
. . retirement by rotation of.....24 (1)	
. . term of office of.....23; 24 (1)	
. . filling vacancy.....24 (2)	
. . vacancy in office of.....46 (1)	
. . schools other than Roman Catholic, of	
. . powers of.....13	
. . urban	
. . election of.....35 (1); 38-41	
. . electorate re.....41	
. . number of.....35 (2)	
. . change in.....35 (3)	
. . retirement by rotation.....35 (1); 36 (1)	
. . term of office.....37	
Unorganized territory	
. assessment appeals in.....21a	
Urban schools	
. defined.....17 (g)	
Urban separate school boards	
. composition and . . election.....32 (6-6d, 8); 35-36b	
. vacancies.....46 (3-5)	
Urban separate school zone	
. boundaries.....48	
. defined.....17 (h)	
Vacancies	
. rural board, in.....45 (3) (a)	
Visitors	
. separate schools, of.....68	
Vote	
. equality of	
. . ballot, in.....40 (b)	
. . rural schools, re.....27 (5)	
. . objection to right of	
. . rural schools, re.....27 (12)	
. . trustees limited in number, re.....35 (4)	

	SECTION		SECTION
Vote — <i>Con.</i>			
• urban schools, re			
• persons entitled to, in cities.....	41		
Voters			
• list of.....	32 (6c); 38 (2-4)		
• oath to be taken by.....	39 (4) (e)		
• objected to.....	27 (12)		
• rural schools, re.....	26		
Voting			
• adoption of municipal electors....	39 (1)		
Voting — <i>Con.</i>			
• ballot, by, for urban board	38 (1)		
• meeting of urban supporters, at.....	40		
Ward			
• admission of.....	22 (8)		
• elections by.....	19 (2); 36		
Withdrawal			
• support, of.....	53 (1)		
• effect of.....	53 (2)		

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